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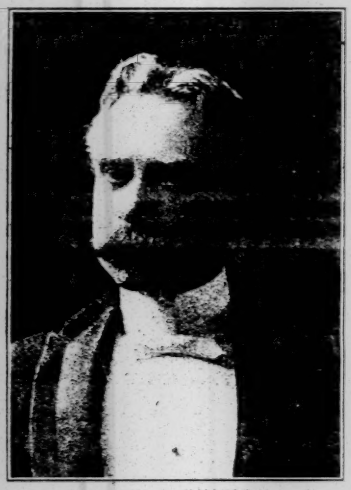

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THE JUBILEE GIFT TO PIUS X FROM HIS CLERGY.

IN that nobly beautiful address which Pope Pius X has just issued to the Catholic Clergy, on occasion of the solemn celebration of the fiftieth anniversary of his ordination to the priesthood, the Venerable Pontiff expresses the deep-felt desire that there should be promptly inaugurated among his priests a renewal of the spirit of Christ. "Be ye renewed in the spirit of your mind," he cries out as if raising hands and voice in appeal from the watch-tower of the citadel of the Church, "and put ye on the new man, who is created according to God in justice and in holiness of truth." And then he adds to the entreaty, in the words of the Apostle (Eph. 4: 23), his own heartfelt wish, simply but touchingly expressed, as of one who cares little for the shows of earthly triumph and would gladly forgo the offers of gratitude from his children if he might but draw them more closely to the service of God. To see his priests, on this feast of his sacerdotal jubilee, renew the spirit of zeal for their own sanctification and the salvation of souls, is the only boon he covets. "It will be to me the most beautiful and precious gift from you, on this occasion." [1]

Nor is the Pontiff content with having made this appeal to our generosity in those general terms of exhortation with

[1] Eritque hoc a vobis in quinquagesimo sacerdotii nostri natali pulcherrimum acceptissimumque munus.—*Encycl.* "*Haerent animo.*"

which we are familiar from the writings of apostolic preachers in all ages. He goes into detailed directions of how this process of a renewal of spiritual energy and missionary activity may be best brought about. And in this connexion it is useful to note how carefully the supreme pastor of Christendom abstains from those conciliatory laudations which, on occasion of festive celebrations in honor of great rulers, mark not only the appreciation of subjects for their leaders but, as a rule, also a prince's sense of gratitude for the glories showered upon him by his people. Pius X rejoices that there are bishops and priests who assiduously kindle the heavenly fire which the grace of the imposition of hands has conferred upon them for the benefit of the Christian people; but he remembers with all the absorbing emphasis of his own priestly calling that there are priests everywhere who fail in the high task voluntarily assumed by them. It is to these he speaks. To them he opens his heart in this Apostolic Letter, "the heart of a father," as he writes, "which beats with anxious love at the sight of his sick child." As is meet for the common guardian of all the flock, Pius X keeps in view the needs of the faithful in these days of intellectual scepticism and moral self-indulgence. If there is to be a renewal of the spirit of priestly piety, it is not to be of the nature of that refined asceticism which aims at individual sanctification without reference to the salvation of the weary multitudes who are hungering for the bread of life. "The priest," as the Pontiff views him, is "not a person who can be good or bad for himself alone; his entire life, his external conduct have their necessary effect upon those with whom he comes in contact." The priest necessarily acts in the name of Christ whose legate he becomes as soon as he has accepted the divine mandate of his sacerdotal mission. "As legates it is our duty to win the confidence of men, so that they may accept Christ's teaching, and we are to bring them to the observance of His laws by showing them the example in our own loyalty."

The Pontiff, as on former occasions, points to the seminaries as the places where this spirit of the knowledge of

Christ's doctrine and of ready obedience to His law is to be first inculcated in the candidates aspiring to the priesthood. He exhorts the bishops "to expend all their chief care and effort in the training and formation of those who are by their own conduct to represent the form of Christ to the faithful". He repeats the words of the Church to her levites as they approach the altar for ordination: "If hitherto you have given way to sloth, bestir yourselves now; if you have been thoughtless touching your obligations, awake from your lethargy; if you have indulged in sensual pleasures, henceforth gird yourselves to be chaste! Let the authority committed to you be exercised in all moderation, be constant in the observance of discipline, let your conduct in all things be worthy of all imitation. Thus the tenor of your life will spread joy in the Church of Christ, and both your preaching and your example will tend to the edification of the House of God!"

The Holy Father is alive to the modern fallacy which discards the ancient severity that stigmatizes worldly manners and pursuits in the Christian priesthood, under the plea that the changed conditions of society demand more freedom in the conduct of the clergy. He pleads for the time-honored maintenance of the habits of life and daily conduct in the priests whereby the ambassador of Christ is distinctly marked as different from and superior to the layman, no matter how good. "The priesthood is a select race," he says. "Christ does not change as the ages progress; He is the same, yesterday, and to-day, and the same forever." Hence the priest is to be an example, at all times and in every place, of the meekness and gentleness of his Master who has said: "Learn of Me, for I am meek and humble of heart." He is to be a model of obedience, even as Christ became obedient unto death. He is to carry in his body the image of the cross, as the Apostle interprets it to us: "They that are Christ's have crucified their flesh with its vices and concupiscences." In this spirit Pius X recalls the words of his predecessor: "Would that the men of our own age cultivated the virtues which have made past generations illustrious for holiness.

These men were strong in the promotion of the common good, both in Church and State, by reason of their humility, their obedience, their self-denial." He insists on the need of cultivating especially the virtue of abstinence, the observance of which men, in our own days, and under specious pretexts of weakness and inability, have wholly lost sight of.

The Pontiff further deprecates the spirit of sordid avarice which has laid hold of the clergy, inducing priests, for the sake of filthy lucre, to involve themselves in secular enterprises and worldly cares. "Alas!" he cries out, "we have men in whom the spirit of their Master has grown extinct"; priests "who are forever occupied with the things of this world, seeking change, anxious for novelties, and performing their sacred offices in a merely perfunctory manner." He alludes to the tendency in clerical circles of deriding simplicity of life, piety, and that humble zeal of patient ministry which contradicts the arrogant self-assertiveness and the proud spirit of the world. Their standard is not the standard of the evangelical priesthood, and they endeavor to put to shame the simple-minded, faithful priest who attracts souls by his active virtue without seeking the flattery of popular applause by the eloquence of his sermons and the publishing abroad of his successes, savoring of vanity and ambition.

The portrait which the venerable Shepherd in the Vatican draws of the priest who performs his office in the spirit of routine is calculated to make us reflect. He says his prayers as a matter of habit rather than with any thought of devotion; the recitation of the Psalms is with him a performance of hasty repetition at certain times. He does not converse with God from any sense of gratitude or piety. Nor does he attempt to conceal the want of fervor in his soul from those around him. He vaunts the reasonableness of his conduct and pleads that he cannot give his attention to things supernatural because the constant cares of his ministry force him to attend upon others whom he pretends to benefit by his pastoral labor. Of these priests the Pontiff says: "They miserably deceive themselves." For since they are not accustomed to

converse with God, their speech about Him to men is vapid; they lack the divine fire which imparts the spark of Christian fervor to the observance of the moral law. Their message having the outward sound of the evangelical precepts is nevertheless mere noise of the tongue. Endowed with a certain glibness of eloquence they lack the power to interpret the voice and words of the Good Shepherd to which the flock would gladly listen. Such priests fill the air with their loud clamorings and empty sounds; and many a time they bring only shame and disgrace upon their religion, and make the faithful blush with the sense of contradiction because of their leaders' bad example. In such or similar words the gentle Pontiff, filled with the zeal of Christ, brands the idle, gossipy priest who, neglecting himself, is forever engaged in propagating what the Pope styles "disease-breeding novelties." "Alas!" he exclaims, "unhappy blindness! Would that they considered in their hearts to what length of abandonment the neglect of prayer leads the priest! Thence, indeed, arise those sad results from the very mention of which our fatherly love shrinks and which it desires, if it were possible, to forget."

Prayer, meditation, spiritual reading, are naturally the chief means recommended by the Father of Christendom to his priests, whereby they might revive within them the consciousness of their lofty dignity and reanimate their zeal for an active service in the ministry, so as to make it fruitful of blessings for all the people. From the personal devotion of the clergy there must necessarily flow, through the accompanying control of self-examination, a new stream of priestly virtue which will purify and at the same time fructify the broad fields ready for an abundant growth of the flowers of faith.

Next to the duty of personal sanctification, which is engendered through the habit of prayer and reflection, the Sovereign Pontiff would inculcate upon his priests greater zeal in teaching right doctrine. Not only does he wish them to be active in imparting the sacred truths contained in the catechism, but he likewise urges them to strive, with all the resources at their

command, wisely and skilfully, to enter actively into the life of the people. He bids them take example in this respect from the energy and devices of those who are hostile to the interests of true religion. Whilst the clergy are to work for the maintenance of peace, for the defence of the poor and downtrodden, for the upholding of justice and mercy, they are also to organize and awaken among the faithful a spirit of courageous insistence upon the rights of conscience. And if jealousy, rancor, and calumny pursue at times the priest and make him feel that the sole fruit of his unselfish efforts for the good of others is human ingratitude, let him not lose courage on this account. "Be not weary in well-doing. Let us not stain the honor of our cause by remissness!"

The final note of the fatherly call of the Chief Priest of Christendom to his sons, on occasion of his golden jubilee, is the call to fraternal union. An Apostolic Union, such as exists already in many parts, thanks to the zeal and charity of individual priestly efforts, is the desire of the heart of Pius X. He hopes and prays for a renewed and wider diffusion of the fraternal spirit among priests, not only through the formation of closer communion in the exercise of piety and mutual edification, but also in the creation of centres which might become power-houses where the spirit of ecclesiastical study and of missionary zeal would receive constantly fresh impulses; places where the plans of campaign against vice and moral degradation are made under a common pledge to carry them out consistently and harmoniously; places where the priest in doubt, the priest discouraged, the priest in error, may come and find fresh strength and sympathy and a clearer light to set him right on his course of missionary zeal. Such is the purport of the appeal of Pius X to his priests on the occasion of his golden jubilee, and who is there that will not second the desires of the noble Pontiff and hope that the blessing with which he sends it forth may bring about the wished-for result!

CHURCH LAW REGARDING THE MINISTRY OF ECCLESIASTICAL BURIAL.

THE term *sepultura ecclesiastica*, or ecclesiastical burial, is sometimes employed to signify the *place* which has been duly blessed for the burial of the faithful; sometimes the right of burying the remains in such place. It is also taken to mean all the sacred rites prescribed for the burial of Christians in consecrated ground, including the celebration of Mass along with the ritual services performed over the remains in the church, as also in the cemetery. Using the expression in this last sense, *the right of ecclesiastical burial* may be understood either as the right which any individual possesses at the hour of death to have those funeral services celebrated in his behalf, or it may be understood as the right which this or that priest has to celebrate those services: in other words, it may regard the *subject* of ecclesiastical burial, or it may regard the *minister* of it. Writers on Moral Theology deal with the question under the former aspect — they explain who are worthy and who are unworthy of Christian burial, those who should be admitted and those who are to be excluded. Except in some minor details, those authors are unanimous regarding the *subject* of ecclesiastical burial. When, however, one begins to study the question under the second aspect, he may look through a dozen treatises on Moral Theology and find no allusion to it. Those moralists who make any reference to the minister of ecclesiastical burial do so in a few lines only: they leave it to canonists for discussion.

In the present paper we shall consider the Church law solely in reference to the minister of ecclesiastical burial. Who then has the right to perform the funeral services of the faithful? The general answer occurs to the mind of every fairly-instructed Catholic. The priest who has authority to administer the last sacraments—the Holy Viaticum and Extreme Unction—while the person was still alive, is entitled to perform the funeral obsequies over his remains after death. The parish priest to whom is entrusted immediately the spiritual care of the members of his flock during their life is like-

wise the one invested with the right of performing the obsequies after death. In the United States, it is true, there are not yet parish priests strictly so called, nor are there in this country canonical parishes; still the rights and duties of pastors in relation to the members of their respective congregations are substantially the same here as those of parish priests towards their parishioners in other countries. They are not indeed irremovable to the same extent as parish priests; nor are they bound under grave sin to offer the special fruit of the Holy Sacrifice for their congregations as parish priests are bound on all Sundays and holidays, even those holidays which are no longer obligatory for the faithful. However there is no solid reason for placing any limitation to the right of pastors in the United States in regard to ecclesiastical burial beyond what is placed by the general law of the Church. On the other hand their right in this respect is not more extensive than that possessed by parish priests generally. There is no decree of any of the Plenary Councils of the United States, which either restricts or extends this right beyond what the common law of the Church sets down for parish priests; nor is there any such decree directly emanating from the Holy See. Accordingly the question is reduced to this—what is the ecclesiastical law regarding the right of the parish priest to administer funeral services? It may be answered generally that the parish priest has a privative or exclusive right to administer those services to all the faithful who had a domicile or quasi-domicile in his parish at the time of death. It is here supposed that such persons did not render themselves unworthy of Catholic burial by their conduct during life because otherwise this right could not be exercised. Before explaining further this right of the parish priest, it will be useful to say a word concerning the manner of burial in different ages of the Church.

At first according to Roman Law it was forbidden to bury the bodies within the City, so that the early Christians had sepulchres outside the walls. When churches were permitted to be erected, the place of burial was at the entrance of, or at

least very close to, the church. Ferraris in his *Bibliotheca* (Vol. 7, page 142), quoting the words of the canon, says, "Praecipiendum est etiam secundum majorum instituta, ut in ecclesia nullatenus sepeliantur, sed in atrio, porticu, vel in exedris ecclesiae." Afterwards this law was modified so as to permit the bodies of bishops, and even of laics eminent for sanctity, to be buried within the church. Subsequently all Catholics, whether members of the clergy or of the laity were buried within the church; and this custom was confirmed by Canon Law. The reason for the custom was obviously that the faithful, when coming to the church for religious services, might be reminded of their deceased friends and offer prayers in their behalf. It was considered, however, that the burial of bodies in the church was detrimental to health and the civil authorities began to prohibit the practice. The Church offered no opposition to the new civil enactments, and even encouraged the formation of cemeteries outside the sacred edifices. In the Roman Ritual (Tit. VI, Cap. 1, De Exequiis, n. 9) the following words are found, "Ubi viget antiqua consuetudo sepeliendi mortuos in Coemeteriis, retineatur; et ubi fieri potest, restituatur." Still more recently it has been prohibited by civil law in many places to have cemeteries immediately adjoining the churches, and public cemeteries have been established at some distance outside where bodies could be interred. The Church without opposing those prohibitive laws enacted that the parish priest should suffer no detriment from the construction of cemeteries distant from the church. The place of burial was physically changed, but the right of burial (*jus sepeliendi*) remained intact with the parish priest as before. Thus on the 14th May, 1825 the S. Congregation of the Council of Trent declared, "Animadvertendum est, ex Edictali Lege lata a S. Congregatione Consultationis anno 1817. Fidelium cadavera ad Coemeterium publicum esse deferenda: Coemeteria vero, causa publicae valetudinis, subrogata fuisse singularibus ecclesiarum sepulturis, nunc jus istud exercet in publicis Coemeteriis, ideoque non sublatum jus sepeliendi fuit, sed variatur locus, quod profecto non impedit

emolumentorum perceptionem et jus peragendi exequias." Hence the conditions prevailing in many places to-day of having cemeteries removed from the parish churches do not interfere in any way with the right of the parish priest to conduct the funeral obsequies in his church and perform the ritual services at the interment of the body, as well as to receive the offering that may be made on the occasion of the funeral.

The law of the Church regarding the *jus sepeliendi* may be stated in the words of Pallottini in his *Collectio Conclusionum et Resolutionum S. C. Tridentini,* (cf. *Sepultura,* No. 1)— "De jure communi omnes Parochiani in ecclesiis parochialibus eorumque coemeteriis sepeliri non tantum possunt, sed et debent, nisi probetur quod defunctus vel habeat sepulchrum Majorum, vel etiam sepulchrum sibi elegerit." Accordingly, when a member of a parish dies, his remains are to be buried by the pastor of the church of the parish to which before death he belonged. It is to be noted, however, that two exceptions are set down. One is when a person had an ancestral or family burying-place: the remains are to be buried by the pastor of this place. The second exception is when a person has chosen his place of sepulture: in this case the pastor, or other priest in charge of the church so chosen acquires the *jus sepeliendi.* These two exceptions were admitted by the Church many centuries ago. St. Leo III (795-816) issued the following statute, "Nos instituta majorum Patrum considerantes, statuimus unumquemque in majorum suorum sepulchris jacere, ut Patriarcharum exitus docet. *Nulli tamen negamus propriam eligere sepulturam et etiam alienam*: Dominus enim magister alienam elegit ut propriam." Since this ordination of St. Leo was first published, the faithful have always possessed the power of choosing their place of burial. For obvious reasons, however, two classes of persons were to be excluded from the faculty of choosing the place of burial, viz. *impuberes* and religious. Male children under 14 years and females under 12 respectively are considered incapable of making a rational choice and thus are deprived by law of the right of choice. Religious, too, have

no choice of the place of their burial: they should be buried from their own monasteries, unless indeed they die in some remote place so that their remains could not be without great inconvenience conveyed thereto. In his *Bibliotheca* (Vol. 7, p. 154, n. 86) Ferraris mentions the same law and the exceptions. "Eligere sepulturam sibi benevisam potest quilibet sive masculus, sive femina, dummodo habeat debitam aetatem, et a jure non prohibeatur." The same author cites various references from Canon Law to prove his statement. The present discipline of the Church regarding the place of burial is substantially the same as when Ferraris wrote in the middle of the 18th century. Wernz in his *Jus Decretalium* (Vol. 3, n. 785) says, "Locus sepulturae ecclesiasticae imprimis est is, quem fidelis libere legitimeque sibi *elegit*, quo deficiente proxime succedit sepuchrum gentilitium vel majorum vel corporationis rite ad tramites juris constitutum: si fidelis defunctus etiam sepulchro hujusmodi careat, in sua parochia, ubi domicilium habuit et sacramenta recepit, est sepeliendus." The same opinion is held by all modern canonists and is confirmed by numerous decisions of the Holy See.

When the Church grants the liberty of choosing a place of burial, she insists upon the choice being a free one. It is strictly forbidden for a cleric or a religious to force a person to choose a particular place of burial: and such a choice is null and void. Similarly it is forbidden to prevent one from retracting a choice already made. Although these be grave and still in force, the censure formerly attached to their violation has been abrogated, there being no reference to it in the *Constitutio Apostolicae Sedis.* It may be also noted that a choice once made remains valid until set aside by another choice freely made. Thus if a person during sickness declare his wish to be buried from any particular church different from his parish church, and afterwards recover from his illness, the choice so made remains valid so long as it is not annulled by a subsequent choice. When the choice of a place of burial is made, there ought to be some evidence to this effect, since otherwise the pastor of the parish where the deceased had a

domicile or quasi-domicile would possess the exclusive *ius funerandi*, unless indeed there were an ancestral place of burial. The evidence required need not be taken on oath. It is sufficient to have the testimony of two witnesses, or of the confessor that the deceased had declared his wish to be buried from such or such a church. It would also be sufficient, if there was some clause in the will or other document of the deceased, that such was his wish, even though the will might be invalid through defect of some legal formality. Indeed any proof, oral, written, or by signs, which clearly indicates the choice of the deceased, suffices, and would justify the pastor of the church selected in burying the remains therefrom.

It is important to observe that the right of choosing a place of burial brings with it authority, on the part of the pastor of the church chosen, to celebrate the funeral Mass and obsequies, even those rites prescribed to be performed in the cemetery. On this point there seems to be no doubt whatever, whether we look to the opinion of canonists or to the decisions of the Roman Congregations. Zitelli in his *Apparatus Juris Ecclesiastici* (2nd Edition, p. 183) writes, "Quando enim quis sepulturam sibi elegerit, vel sepulchrum majorum habet, eo in loco est sepeliendus, subindeque si ecclesia a jurisdictione parochi exempta sit, et proprios habeat Rectores, ad hos, non autem ad parochum, pertinebit Missas canere, aliaque peragere super cadaver defuncti, quae in Rituali Romano praescripta inveniuntur." Responses of the Sacred Congregations in proof of this view may be found in Gardellini, as also in Pallottini's Collection of the Decisions of the Congregation of the Council of Trent. The same rector or superior of the church chosen for burial acquired a right to the emoluments or offering which might be made on the occasion of the funeral. Hence it sometimes happened that the pastor of the parish to which the deceased had belonged did not officiate at the obsequies and did not receive any portion of the offering made. By way of remedy in this contingency it was ordained that when the remains were buried from a church to which the deceased had not belonged,

his parish priest was always to receive the *portio canonica*, which was usually set down as the fourth part of the offering received, and termed *quarta pars funeralium*. It seems, however, according to Laurentius (*Institutiones Juris Ecclesiastici*, n. 763), that in some places the payment of the *quarta pars* to the *proprius parochus* in the circumstances mentioned has fallen into desuetude.

In order to illustrate the foregoing principles of ecclesiastical law, a case of the following kind may be supposed. A person belongs to a certain parish, but for some reason has expressed the wish to be buried from a church different from that of his parish. After his death some relatives desiring to make arrangements for the funeral call upon the pastor of the church from which the deceased had declared his intention to be buried. From the testimony adduced the pastor has no reasonable doubt regarding the freedom of the choice and permits the remains to be conveyed to his church where he celebrates Mass for the deceased and performs the funeral services as prescribed in the Roman Ritual. The *proprius parochus* of the deceased may claim the right of conducting the remains as far as the entrance of the church where the services are to be performed, and this right should be respected; but the right ends here. The remainder of the rites, viz. the services in the church and cemetery should be performed by the pastor of the church or his delegate; not by the *proprius parochus*, except by permission of the pastor of the church. This pastor in whose church the services are conducted has a right to receive whatever offering may be made, but should give the fourth part of that offering to the *proprius parochus*, after deducting the necessary expenses including honoraria of celebrant and ministers. When there exists a legitimate custom of not giving the fourth part to the *proprius parochus*, the custom may be observed. If the latter feels aggrieved at the course of events, he may refer his complaint to the Ordinary or to the Holy See: but judging from previous declarations of the S. Congregations, in particular, the Congregation of the Council of Trent, the de-

cision should be in favor of the pastor in whose church the services were performed, unless it appeared that undue influence was employed to induce the deceased before death to choose that church rather than the church of his parish.

In the United States the general law regarding the funeral rights of the pastor in reference to those who have been his parishoners seems to be very well known. It may be doubted whether the modifications of, or the exceptions to, that law are equally known, especially the power of electing the church of one's burial: rather, it is quite certain that some priests as well as many of the laity are not aware of the liberty granted by the Church in regard to the choice of the place of burial. This defect of knowledge may be to some extent due to the fact that only very rarely does there arise any occasion for the exercise of this power. Pastors are usually so zealous in their attendance upon the sick members of their flock that these latter have no desire to receive Christian burial from any other than the priest who administered to them the last sacraments; nor do they desire to be buried from any other than their own parish church. Besides, in the Statutes of various Dioceses reference is made to the rights of pastors to receive funeral offerings and to the *jus funerandi*, regarding their parishoners, as exclusively belonging to them, without any mention of cases in which by ecclesiastical law the *jus funerandi* would appertain to another who was not the *proprius parochus*. Hence one might erroneously interpret such a statute, as if a funeral could never take place from any other church than the one to which the deceased had belonged, unless by special permission of the Ordinary granted for weighty reason or of the *proprius parochus*. A statute of this kind can only mean that *generally* the right of burial belongs to the pastor, in whose parish the deceased possessed at the time of death a domicile or quasi-domicile. It is not proposed here to treat of the legislative power of a bishop in regard to his diocese; but it may be briefly said that he possesses very ample power to enforce laws enacted by a higher legislative authority: he may even enact laws not

contained in the Divine Law, or in the Ecclesiastical Law, general or particular; he can make laws that are *praeter jus commune*. Still it is not competent for a bishop either in Diocesan Synod or outside of it to make a law *contra jus commune*. Aichner in his *Compendium Juris Ecclesiastici* (8th Edit., page 397) expresses the common opinion of canonists when he says, "Verumtamen leges episcoporum debent conformari universalibus Ecclesiae legibus, scilicet possunt esse quidem sancitae *praeter jus*, non vero *contra jus* universalis Ecclesiae. Unde episcopi non possunt prohibere, quod per jus universale expresse et indubitanter permissum est (nisi canones id eis diserte concedant) et e converso non possunt permittere quod jure universali prohibitum est." Accordingly, if the Church enacts a law giving to the faithful the right of electing the place of burial, a bishop has no authority to set aside this law or this right in regard to the subjects of his diocese. Even if a bishop in the United States possessed such authority, it might be confidently stated that he would not exercise it. Instead of diminishing any of the rights of the faithful, our bishops have always shown much generosity in the communication of faculties which they might have easily withheld, as may be seen by a comparison of the faculties which they have received from the Holy See with what they grant for the benefit of their respective dioceses.

From what has been said it would be unfair to ignore the liberty of electing a church of burial, or to hold that this liberty does not apply to the United States. In this connexion it may be interesting to note the opinion of the eminent Canonist, the late Dr. Smith. Writing, as he does with special reference to this country in his *Elements of Ecc. Law* (Vol. 1, n. 661), he uses the following words: "The parish priest has, *de jure communi*, the right to demand that, as a rule, his parishoners be buried in the parish cemetery. We say, *as a rule*; for the following persons can be buried out of their parish cemetery: 1. Those who have selected their place of burial elsewhere. Now all persons, except *impuberes* and religious, are perfectly at liberty to choose their place of interment *in*

any Catholic cemetery—i. e., not only in cemeteries attached to parochial churches, but also in such as are annexed to non-parochial churches, colleges, and other institutions. For, although parish churches alone can, *de jure ordinario*, have cemeteries, yet any non-parochial church, college, etc., may be authorized by the bishop to have a cemetery. Religious communities are empowered by the *jus com.* to have cemeteries." This author in a subsequent work, *Compendium Juris Canonici*, written also for the United States, holds substantially the same view (cf. nn. 780-789); adding as follows—"Si vero parochianus legitime in coemeterio alieno sepelitur, nempe in sepulchro electivo vel majorum, tunc parochus proprius defuncti jus habet ad *portionem canonicam* (a share of the offerings as defined by the sacred canons) omnium emolumentorum quae occasione funeris ab ecclesia tumulante percipiuntur." The only other Canonist who has written a formal treatise on Canon Law in English and for English-speaking countries is the late Fr. Ethelred Taunton, who published his work in 1906. Speaking on *Parochial Rights* (p. 468) he says, "Funerals should take place in the parish church. But if the family grave be elsewhere, or if the deceased had made other arrangements for his burial, the parochial rights are to be maintained: and one fourth of the funeral fees belong *de jure* to the parish priest of the deceased. The fourth is to be claimed from the church that received the fees, not from the family"

Enough has been said to show what the general law of the Church is regarding the rights of pastors to administer ecclesiastical burial to their deceased parishoners. It has been seen, too, that the same law exists in the United States. While, therefore, it belongs usually to the pastor to bury the faithful of his parish, no right of his is violated, if these be buried from another church, provided that this church was freely chosen by the deceased. The Catholic Church has never concealed this right of choice from her members: on the contrary she has proclaimed it constantly, as any one can verify by examining the decisions of the Roman Congrega-

tions for the past three centuries and a half: as also may be seen from papal documents many centuries prior to the institution of those Congregations. It would be strange that this right of choice granted by the Church herself would be restricted in a country otherwise so favored with the enjoyment of civil and religious liberty.

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THE PRIESTS' COMMUNION LEAGUE.

AS the Priests' Communion League—the specific theme of this paper—has for its object the extension among the faithful of the practice of frequent and daily communion, it will not be irrelevant to consider for a moment the bearing on that practice of the particular mode selected by our Lord for the bestowal upon mankind of His divine love's incomparable gift, Himself, His Body and Blood, Soul and Divinity. In view of His undoubted omnipotence, we know that, had He so desired, He could readily have accomplished the purpose of the Eucharistic sacrifice and sacrament in any one of multifarious ways other than the precise and definite one which He adopted, the giving Himself to us under the form of bread and wine. Now, on the face of it, does not His selection of this mode, His choice of these elements throw a white light on the frequency with which He desires the sacrament of love to be received by His followers? Is there anything forced or strained in the contention that, since He chose to give Himself to us under the form and appearance of substances that constitute the daily food of our bodies, it was presumably because He wished that we should make His sacramental self the daily food of our souls? Divesting our mind, in so far as is possible, of the notions, concepts, prejudices, opinions, and beliefs which we have acquired, as to this matter of frequent communion, from inherited traditions, from the teaching of most theologians, and especially from the practice which we have seen prevailing round about

us since our childhood—putting ourselves in the place of the Apostles and disciples, and taking account with them of the reiterated instances in which Jesus Christ declared that His flesh is meat indeed and His blood drink indeed, does it not seem entirely natural that they should look upon the Eucharist not as a special banquet to be enjoyed only on state occasions, at intervals of a fortnight, a month, or a year, but as a regular spiritual meal to be partaken of as a matter of course every day?

That they did so look upon the Blessed Sacrament, that they received it daily, and that their practice in this respect was followed by the early Christians for some centuries, is matter of historical record. Later on, attendance at the Holy Table became less frequent, and it is permissible to add that in consequence, that not only *post hoc*, but *propter hoc,* the life of the Christian became a less faithful reflex of the life of Christ. From the date of that first abatement of Eucharistic fervor down to two years and a half ago, there was among theologians, many of them Saints, a dispute, not indeed as to the nature of the Blessed Sacrament in Itself, but as to our moral conduct in regard thereto. Of the two opposing views, one, and that with which the majority of us are probably most familiar, was that while, theoretically, the Church desires that the faithful should communicate frequently and even daily, as far as their duties permit, still in individual practice distinction is to be made between soul and soul, according to the greater or less degree of preparation and of holiness in daily life. In harmony with this view, or at the least, in substantial agreement with it, were St. Thomas Aquinas, St. Bonaventure, St. Ignatius, Blessed John of Avila, St. Francis of Sales, and St. Alphonsus Liguori.

The opposite view was that no higher preparation is essentially needed for daily reception of the Eucharist than is required for a single reception, say at Easter; and that those holier conditions of the soul, beyond the mere state of grace and a right intention, are not so much preparation for the Sacrament as its fruits and effects.

This second view was authoritatively endorsed by Pius X in December, 1905, when he ratified and confirmed the decree *Sacra Tridentina Synodus* of the Sacred Congregation of the Council. As that decree supplies the *raison d'être* of the Priests' Communion League, and as it is, moreover, in the words of Bishop Hedley, "a document of the first importance, forming a law by which theologians and confessors will henceforth have to guide themselves in theory and practice," it becomes congruous, if not imperative, before going further, to quote textually a few at least of its provisions. It determines, then:

1. Frequent and daily Communion, as a thing most earnestly desired by Christ our Lord, and by the Catholic Church, should be open to all the faithful, of whatever rank and condition of life; so that no one, who is in the state of grace, and who approaches the Holy Table with a right and devout intention, can lawfully be hindered therefrom.

2. A right intention consists in this: that he who approaches the Holy Table should do so, not out of routine, or vainglory, or human respect, but for the purpose of pleasing God, or being more closely united to Him by charity, and of seeking this divine remedy for his weaknesses and defects.

3. Although it is more expedient that those who communicate frequently or daily should be free from venial sins, especially such as are fully deliberate, and from any affection thereto, nevertheless it is sufficient that they be free from mortal sin, with the purpose of never sinning mortally in future; and, if they have this sincere purpose, it is impossible but that daily communicants should gradually emancipate themselves from even venial sins, and from all affection thereto.

4. But whereas the Sacraments of the New Law, though they take effect *ex opere operato,* nevertheless produce a greater effect in proportion as the dispositions of the recipient are better; therefore, care is to be taken that Holy Communion be preceded by serious preparation, and followed by a suitable thanksgiving according to each one's strength, circumstances, and duties.

5. That the practice of frequent and daily Communion may be carried out with greater prudence and more abundant merit, the

confessor's advice should be asked. Confessors, however, are to be careful not to dissuade anyone (*ne quemquam avertant*) from frequent and daily Communion, provided that he is in the state of grace and approaches with a right intention.

6. But since it is plain that, by the frequent or daily reception of the Holy Eucharist, union with Christ is fostered, the spiritual life more abundantly sustained, the soul richly endowed with virtues, and an even surer pledge of everlasting happiness bestowed on the recipient, therefore parish priests, confessors and preachers —in accordance with the approved teaching of the Roman Catechism (Part II, cap. 4, n. 63)—are frequently, and with great zeal, to exhort the faithful to this devout and salutary practice.

The passage in the Roman Catechism, to which reference is made, runs: "It will, therefore, be the part of the parish priest frequently to exhort the faithful that, as it is considered needful every day to feed the body, so also they should not neglect to feed and nourish the soul every day with this Sacrament; for the soul, it is evident, stands not less in need of spiritual, than the body of corporal, food."

As will be seen from the foregoing, all parish priests, confessors, and preachers, should in obedience to this "law by which they must henceforth guide themselves," encourage, foster, and zealously spread among the laity the practice of frequent and daily Communion. Those of them, therefore, who join the Priests' Communion League, are not in reality contracting any new obligation, but merely pledging themselves to the faithful acquittance of an obligation already existing. The Priests' Communion League, in fact, is an association established two years ago at Rome, in the Church of San Claudio, with the sole object of spreading the practice of frequent and daily Communion in conformity with the decree *Sacra Tridentina Synodus*, some provisions of which have just been quoted. All priests determined to labor for the accomplishment of this object are eligible for membership in the League, and so far as priests of the Eucharistic League are concerned they may become members of this new association by simply forwarding their names for enrollment to

the Director General. The means proposed to its members for furthering the aims and attaining the end which the association has in view are: prayer, speaking, writing for the press, and the distribution of literature relating to the subject. These constitute the sole duties required of members, and, presumably, not all of them are demanded of each.

If the duties of membership are not onerous, its privileges are notable. Members of the Priests' Communion League enjoy the right of a privileged altar three times a week. They may celebrate the Holy Sacrifice an hour before sunrise and an hour after midday. They may distribute Holy Communion at any hour of the day, from an hour before sunrise until sunset. They may gain a Plenary Indulgence on all the first-class feasts of the Mysteries of Faith, of the Blessed Virgin, and of the Apostles. They may gain, likewise, an Indulgence of 300 days for every separate work which they perform for the advancement of the League's purposes. On the occasion of the Triduum recommended to be held in their parishes, they may impart to the people, after the General Communion, the Papal Benediction with the Plenary Indulgence attached thereto. Finally, they may grant to such of their penitents as are in the habit of receiving Holy Communion daily, or almost daily (that is, *etiamsi abstineant semel aut iterum in hebdomada*) a Plenary Indulgence once a week, which Indulgence may be granted at one time for several weeks.

It is superabundantly evident from all this that our beneficent Holy Father, whose energetic activity thus far in his pontificate has shown him consistently living up to his motto, "to restore all things in Christ," has especially at heart the greatest possible extension of the salutary practice of daily Communion. For it may be well to note here, with Father Zulueta, S.J., that the decree, *Sacra Tridentina Synodus* uses indifferently the expressions, "frequent," "frequent and daily," "frequent and even daily," showing that daily Communion is not a separate species of Eucharistic practice, governed by rules different from those regulating frequent Communion.

It goes without saying that in this matter "most earnestly desired by Christ our Lord and the Catholic Church," every priestly heart should throb in unison with that of Pius X, that every priestly mind should discard the more or less Jansenistic or near-Jansenistic principles hitherto acted upon, and that every priestly will should be an energizing force habitually exerted in enticing the faithful to more and more frequent reception of their Eucharistic God. It would seem indeed eminently fitting that the Priests' Communion League, instead of numbering in this country only 826 members, among them 3 Archbishops, 8 Bishops, and 1 Abbot, should speedily count on its roll at the very least four or five times that number.

No pastor who gives to the matter ever so little serious reflection can fail to perceive that only the happiest possible results can flow from his efforts to introduce or increase the practice of daily Communion in his parish. Even now, modified frequentation of the Sacrament is the hall-mark of the good practical Catholic, and the source of the true priest's greatest consolation. What blessings may not be expected to accompany the increased piety, the intensified fervor that will surely spring from the *real* frequentation—five or six times a week if not daily—of even a handful of his parishioners!

Apart from the benefit to his flock, what a genuine boon will not his zealous advocacy of daily Communion prove to the pastor himself! It is a truism that one learns most effectively by teaching; and the priest who follows the advice, or, rather, obeys the orders of the Pope, and often exhorts his people to approach the Holy Table with increasing frequency, will infallibly develop in his own soul a higher appreciation of the Mass and the Eucharist, with a deeper piety in his celebration of the one and his administering of the other.

If it will not be considered an impertinence in these pages, I should like to suggest that perhaps not the least eloquent, or least necessary, exhortation in behalf of the spread of daily Communion will find its scope among one's brother clerics.

In the simplest form of what used to be called mind-reading, but what is in reality muscle-reading, the "subject" grasps the wrist of the "reader" and thinks intently of some material object to which the "reader" is supposed to lead him. The subject is cautioned to remain perfectly passive, and is quite ready to affirm on oath that he *is* so, while at the same time, all unconsciously to himself, his hand is unmistakably moving the hand of the reader in the direction of the object on which his mind is concentrated. It is not improbable, I think, that not a few excellent priests—pious, devoted men, who would deem themselves least of all likely to set themselves above the Pope—are nevertheless unconsciously swayed by the inherited or acquired oldtime Jansenistic bugbear of exaggerated reverence due to the Blessed Sacrament, a reverence which they find it difficult to convince themselves will not be endangered in its daily reception by the faithful. At heart they really doubt the prudence of the practice.

Without emphasizing the obvious by urging that in this matter it is the Pope's business to be prudent and the priest's to be obedient, one may suggest that such priests need to be told time and time again, in season and out of season, in the *Emmanuel*, the ECCLESIASTICAL REVIEW, and other Catholic periodicals, in clerical conferences, and in private conversations, that Rome has authoritatively asserted once for all that the primary purpose of the Eucharist is *not* the safeguarding of the honor and reverence due to our Lord, but the conferring upon its recipients of strength to resist sensual passions, to cleanse themselves from the stains of daily faults, and to avoid the graver sins to which human frailty is liable. They need reminding that Christ Himself forgot Himself in order to minister to our needs. "Qui propter nos homines et propter nostram salutem," says the Creed. "Sacramenta propter homines", declare the theologians. And the Pope emphatically reiterates that the Eucharist is *not* a reward of virtue, but, as the Council of Trent declares, it is *Divinum pharmacum*, "the antidote whereby we are delivered from daily faults and preserved from deadly sins." To the great

mass of the faithful the parish priest is for all practical purposes, bishop, Roman Congregation, College of Cardinals, Pope—in a word, the Teaching Church. Now, if his teaching is to be thoroughly orthodox, the burden of his exhortation about frequenting the Sacraments must henceforth be, not so much, "My dear people, be holy in order that you may become worthy to go to communion frequently and even daily," as "My dear people, *go* to Communion frequently, and even daily, in order that you may *become* holy."

Other priests there may be—though let us trust the number is small—whose lack of zeal, tepidity, indifference, fear of multiplied confessions, or what not, may lead them to treat Pius X's decree of Daily Communion with fully as much constructive disrespect as has been shown in too many instances to his *Motu proprio* on Gregorian Chant. To overcome the "vis inertiae," or the active opposition of one of this class will require all the persevering fervor of the most devoted member of the Eucharistic League or the Priests' Communion League. It is conceivable, even, that such a member may be treated with ridicule, jeers, and scoffing, may be characterized as a faddist, a dreamer, a visionary, an unpractical enthusiast. (Ah! God grant there may be more of such enthusiasts, that their tribe may increase!) One can readily, however, support a charge so radically untrue.

Viewed in the light of Sanctuary lamp, weighed in the balance of the Tabernacle, who *is*, in very deed and truth, the unpractical, visionary cleric? It is assuredly he who forgets that the Eucharist is the very reason of his priesthood, and that his preëminent duty to his people is to draw them into closer and closer union with our Lord in His Sacrament of love; it is he who attempts the hopeless task of falsifying the words of the Holy Ghost, and proving that a man *can* serve two masters, God, and the Mammon of wealth, pleasure, worldly reputation, social honor, or sensual ease; he who exaggerates the rights and privileges of his pastoral office and minimizes its duties and obligations; he who expends his most strenuous activities on the material, financial side of his

priestly life, and brings to his spiritual functions a lifeless perfunctoriness that is an insult to the God he has vowed to serve with love; he who fancies that spasmodic effort on special occasions can atone for the neglect of humdrum, hidden, every-day duties; he who imagines that intellectual brilliancy can supply the lack of a humble and contrite heart; he who ignores that in our day, not less than in that of Thomas Aquinas or Bernard, more true sacerdotal science is to be absorbed at the foot of the crucifix or before the Tabernacle than can be gleaned from books, that the former method has transformed a *quasi minus habens* clerical candidate into a faith-illumined and saintly Curé d'Ars, and the latter has deformed a "*maxima cum laude*" seminary graduate into a pride-blinded and excommunicated Abbé Loisy; he, in fine, who loses sight of the fact that the only genuine realities are the eternal ones, that, in the last analysis, the preponderating rule is as a man —priest or layman—lives, and lives *habitually*, from day to day, so shall he die, that true life in this world and the next is union with God, and that in no other character than as an earnest, active, devoted member of the Priests' Communion League consistently promoting habitual sacramental union with our loving Jesus by word and work, counsel and conduct, preaching and practice, can he so confidently re-echo the assurance of the royal psalmist: "Credo videre bona Domini in terra viventium"—"I look to see the good things of the Lord in the land of the living."

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SOME OBSERVATIONS ON THE DEVOTION TO THE BLESSED SACRAMENT AMONG OUR PEOPLE.

NO human idea of God, or of God's love will ever be able to conceive the strength of His power in the prolongation of the fruits of the Incarnation. Those who saw and handled Jesus in the flesh are certainly not to be envied by us who have the Real Presence. To enter the church where His

presence is, gives us a feeling as of entering the house of a living friend. The very tower of a church where dwells the Blessed Sacrament, draws the Catholic heart to honor, reverence, and lifts it in adoration. The Holy Eucharist never grows common. It is the antidote by which we are delivered from daily faults and preserved from sin. The more we know of what the saints have taught, the more will the heart and mind become possessed of it.

Devotion to the Blessed Sacrament should be first and foremost everywhere. Christian faith enkindles the lights, prompts offerings, suggests flowers and incense and brings the perpetual affectionate and triumphant love of thronging multitudes of the faithful. It must be acknowledged by all that there is no means more effectual in improving the religious spirit in a parish than the devotion to the Blessed Sacrament. It is also true that there is no devotion in the Church which makes more converts.

What are we doing to spread the devotion?

In this busy material age, even pious souls desire the greatest amount of benefit for the smallest amount of sacrifice.

This can be had by establishing the Confraternity of the Blessed Sacrament. Get men interested and we have all that can be done. Men require a virile devotion. The whole is better than the part. Devotion to the mysteries of the Passion, whether it be the Precious Blood, or the Five Wounds, or the Sacred Heart, are all emphasizing a portion of the Sacred Humanity of Jesus Christ. The Blessed Sacrament is Jesus Christ whole and entire. We could have the Church without the devotion to the mysteries, but we could not have the Catholic Church without the devotion to the Blessed Sacrament. It is the thermometer of zeal.

Talk to men of Jesus in the Blessed Sacrament; make them love Him; have them become members of the Confraternity of the Blessed Sacrament, and they will save their souls.

The majority of men dislike sentiment. They leave that for the devout sex. They require facts as plain and as great as we can make them. We do not believe that men can be

brought to any of the means of salvation by a woman after them. Unless they are prompted by some special reason, therefore, the work of the zealatrix is out of place with men, the exception being mothers, wives, and sweethearts in the case of certain men. For instance, no one has greater contempt for the Salvation Army lassies, than men. Men must be approached in their relations to God by priests or men.

Countries that have made devotion to the Blessed Sacrament the greater devotion, for instance, Germany, Netherlands, Spain, Ireland, keep God. Those that have practised effeminate devotion as France and Italy have lost God.

With an humble submission to all the Church teaches we would say, speaking to priests, that in our estimation the devotion to the Sacred Heart has seriously interfered with the devotion to the Blessed Sacrament. Facts speak louder than words. Ninety per cent of the apostles of this devotion are women. It is placed ahead of everything else in the Church. Numbers of lights will be in front of a statue of a Sacred Heart, and one poor lone lamp, often extinguished, and not infrequently fragrant with the fumes of kerosene, tells the lessening of the love for Jesus in the Blessed Sacrament. It boots nothing to tell the people that it is the same thing when they have visible evidence to the contrary. The devotion to any portion of the Sacred Humanity of Jesus is good in itself, but wrong to the extent that it detracts from the great centre of faith.

If on the other hand we present to the men a manly devotion, and mean what we say, we shall not be lacking for volunteers. This has been illustrated when men were called on to defend the Holy Name of Jesus. Within the last few years a million of men have rallied to the cause. We desire to emphasize *men*. The vast majority of this grand army receive Holy Communion once a month. This is bringing men to God. It is a manly devotion.

What other devotion has ever wrought the like, except the devotion to the Blessed Sacrament? Multiplying pious practices does not increase love, activity or devotion.

The Confraternity of the Blessed Sacrament in your parish will be the great centre. We believe the Church realized this in establishing the Arch-confraternity, and offering numerous facilities for its spread. It was organized in the sixteenth century by the Dominican Fathers in the church of St. Mary's at Rome. It was approved by Paul III, 30 November, 1539. Pope Paul V desired that this brotherhood should exist in every parish throughout the world.

He accorded the extraordinary privilege to bishops (practically doing away with all formality) of forming it in every place, and of granting to each society the most ample spiritual favors, without requiring that it be affiliated to the original arch-confraternity by any document but the bishop's own decree of establishment; and that once established in a parish, the erection was to be regarded as permanent.

Whilst the only requirement to gain all the indulgences is to say on our knees, once a week, five "Our Fathers" and five "Hail Marys," the spiritual favors received in return are so great that we cannot begin to enumerate them. Among them is the great indulgence in the form of a jubilee, to be obtained on the day of admission, and three times thereafter during life, at the will of the member. The privileges which the confraternity enjoys in other respects cannot be found elsewhere. Whilst our main plea is in behalf of it as an association for men, it is needless to say that women may be affiliated to the confraternity. Local societies may have their own by-laws, but these must be approved by the bishop. The procession of the Blessed Sacrament, which is one of the regular exercises of the devotion, is assigned for the third Sunday of each month.

This is the simple tale of the greatest devotion in the Church, and one which, as the Sovereign Pontiffs have repeatedly urged, should supersede all other devotions. Its establishment in the parish requires hardly any formality.

The application to the bishop, his consent—and we are in position to gain all the privileges possible.

Where are we to look for this association? If the priests

ignore it, how shall the people know of it? Our answer is: Train the young. No doubt it will require trouble, but we are expected to work for our people, as servants of the Lord. The questions: In how many seminaries and colleges has the Confraternity of the Blessed Sacrament been established? and: How many of such institutions have the monthly processions? are of some importance, when we consider the attitude of our clergy toward the devotion. Who but the priests are to blame for lack of faith? Where there is no warmth existing among the chosen children, how can we expect it among the people?

The grandest church and the most magnificent altar amount to little, if the Centre of adoration lacks our devotion and love. I understand the value of the devotion to the Sacred Heart, of course, but I do not believe in making it the centre of worship when it withdraws men from due devotion to the Blessed Sacrament. In my parish there is not a house without a picture of the Sacred Heart. But I have noticed as the picture of the Sacred Heart was introduced, the crucifix was relegated to some remote quarter. This I think may be said of Catholic homes throughout the country. You will not find a crucifix in the parlors of five per cent of Catholic families. "Preach Jesus and Him crucified," says St. Paul.

Where we have the crucifix we have the emblem of the entire sacrifice made by the God-Man. Where we have the love of the crucifix, we have the love of the Crucified in the Blessed Sacrament, and we fulfil the injunction of St. Paul.

The Holy Hour will not be lacking in worshipers when we have one-fourth of the men of the parish thoroughly interested in the love of the Eucharistic God. In our parish we have it at seven o'clock Thursday evenings. We begin with the hymn *O Salutaris;* then we have the rosary, litanies, pious readings, interluded with hymns, and, finally, Benediction with the Blessed Sacrament.

The people stand while they sing. All sing. They kneel during the prayers, unless they find it too fatiguing, when they may be seated. The hymns are all in English with the

exception of *O Salutaris* and *Tantum ergo*. If the acolytes "give out" the rosary, we think the responses are said more promptly.

It may not be feasible in some sections of the country to enroll people for an hour's adoration. It has been a failure with us, probably because people feel chary in our day about binding themselves to any obligations, spiritual or otherwise.

In the words of a distinguished bishop, "Focus the sun's rays upon a given point, and you will get fire, divert them and disperse them, and you will get but a feeble light and scarcely any feeling of heat." "Christ is One Whole, together with all His Parts, in heaven and in the Eucharist. Let us worship Him as He is in Himself, or by figures which represent Him in His entirety. This will not hinder us from fixing our thoughts by preference upon His Heart, the emblem and organ of His love, or on His Blood, the price of our redemption, or on His Wounds, the witness of His love; but let us stop short at the boundaries fixed upon by the Church."

To establish new centres, to increase devotion to Jesus in the Blessed Sacrament, and to do the most good is to establish a Confraternity of the Blessed Sacrament in each parish, seminary, college and convent. Introduce it with a triduum in honor of the Blessed Sacrament. Urge the people to go to Holy Communion on the day of the procession. We believe this communion should take precedence over that of the first Friday and all others.

We believe that when this is done there will be no trouble about visits to the Blessed Sacrament, and the Holy Hour. Visible benefits and the spiritual improvements of our people, and the enkindling of faith in the hearts of unbelievers, will follow. Thus untold blessings will come to priests and people.

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THE MORAL ASPECT OF COMMERCIAL "STOCKWATERING".

IN the number of this REVIEW for December, 1907, the Rev. J. A. Ryan complained that the ethics of business did not receive adequate treatment in the current manuals of Moral Theology. Among the questions which he singled out as either receiving no attention at all or not sufficient attention he instanced "stockwatering, and its manifold causes, characteristics, and effects."[1] I propose in this paper to make an attempt to supply the deficiency of the text-books in this particular respect.

It seems to me that the main difficulty in these questions for the moralist is to get a clear idea of the operation in question. If he can do this, his knowledge of the general principles of justice and charity will enable him to decide whether the operation is morally wrong or not. However, the difficulty is a real one, for the ordinary student of moral theology is not a business man, and he cannot be expected to know all the latest devices by which rogues and swindlers strive to attain their ends. By the time that any particular device is sufficiently well known to be inserted in a text-book of moral theology it will of course so far be useless for the purposes of the swindler, who will abandon it for less obvious and more efficient methods. In spite of this, however, it may be worth while to discuss the morality of stockwatering, for even devices that are hoary with age are often successful still, and the borderland between the operation that may be permitted and what must be forbidden is not always obvious.

To water stock then is, as the *Century Dictionary* tells us, to increase the nominal capital of a corporation or company by the issue of new shares without a corresponding increase of actual capital. Stockwatering then is an operation connected with the working of joint-stock companies. Most modern States have what are called in England Company Acts, and in the United States Corporation Laws, which enable a number of people who conform to the regulations laid down to con-

[1] P. 653.

stitute themselves into a corporate body for some definite object, with definite legal rights and obligations distinct from those of the individual members of the corporation. A joint-stock company usually owes its existence to the enterprise of the promoter. He hears of a mining property or of a printing business which is for sale, and obtains a contract or an option from the owner. He procures the requisite number of persons to sign the Memorandum and Articles of Association and registers the documents with the Registrar of Joint-stock Companies. After these preliminaries have been duly executed, the certificate of incorporation is issued and the new company is born to work the mine or to manage the printing business. A prospectus may then be issued describing the objects of the new company and inviting the public to subscribe for shares and become partakers of its fortunes. The Memorandum of Association is the charter of the new company and, besides other matters, it must contain a statement of the amount of capital with which the company is registered divided into shares of a certain fixed amount. The amount of capital mentioned in the memorandum is the nominal capital of the company and may be widely different in amount from its actual capital. Thus the promoter of a banking business who wishes to impress the public with the idea of the vast scale on which it is proposed to transact business, may put down $10,000,000 as the capital of the company, divided into shares of $50 each. It may happen that only ten shares are issued and that these are only half paid up. Thus although the nominal capital of the company is $10,000,000, its actual capital is only $250.

We have described in rough outline the formation of a joint-stock company according to English law and although the details of American law differ somewhat from the above, still the broad features are similar, and what has been said will suffice for our purpose. This much concerning the flotation of companies had to be premised, for it is precisely in this matter of nominal capitalization that stockwatering and overcapitalization takes place. Authorities are not quite agreed as

to what should be the norm for regulating the amount of a company's capital. The question is of special importance in those States which have legislated against over-capitalization; there especially it is necessary to have a recognized standard for the legal capitalization of corporations. But what is that standard to be? Is it to be the total original cost of the undertaking and actual investment from the outset; or what it would cost to replace the plant under present conditions; or the structural value, value, that is, for service and wear; or the market value of the enterprise if it were sold in open market; or, finally, its earning capacity? To show how widely estimates may vary according as one or other of these standards is taken as the basis of reckoning, we quote from Mr. W. Z. Ripley, Professor of Political Economy at Harvard, the leading case of the Interstate Consolidated Railroad Company. Professor Ripley says:

Operating both in Rhode Island and Massachusetts, it had obtained a charter from the former State with the right to issue stock and bonds to the amount of $650,000. It then applied to the Railroad Commission for authority to issue this amount under the Massachusetts charter as well. The original capitalization of a defunct predecessor had been $875,000, of which only about $470,000 represented the actual investment, the remainder being water. Owing to the fall in prices of electrical equipment, it was established that the plant could be duplicated for about $400,000. Its present structural value was estimated to be not over $255,000, while the price paid for it at public auction by its then present holders was $152,000. Excluding the possible basis of capitalization upon earning capacity, which ranged upon estimate from nothing to $900,000, which of these other standards, between $470,000 and $152,000, ought rightly to be applied?[2]

German Company Law adopts the first of these, the original and total cost, as the legal standard of capitalization. At first, as Mr. Ripley shows, Massachusetts adopted the same standard. It was felt however that there were grave objections

[2] *Trusts, Pools, and Corporations*, p. 130 (1905).

against this method. Large sums of money were sometimes spent foolishly or even dishonestly in floating companies; large expenditure was often incurred in "kissing" bills through legislatures. Sometimes fancy prices have to be paid for vested interests, or in the consolidation of companies—become necessary for effective working — small local undertakings have to be bought out at exorbitant rates. As Mr. Ripley says:

> These fundamental objections against original investment as a basis for capitalization have led to general acceptance of the cost of present reproduction in its place. This is the norm usually accepted by judicial appraisers, as in the recent case still pending in the courts, concerning purchase by the city in 1895 of the Newburyport waterworks. It seems to have been adopted also in appraisal of the Milwaukee street railroads in 1898 as well as in Detroit. It is the one recognized by the Massachusetts Railroad commissioners in their regulation of capitalization. The Gas and Electric Light commissioners in the same State also adhere to it closely in fixing the price of product.[3]

English opinion favors the estimated earning capacity of the undertaking as a basis for capitalization. If the undertaking will give a fair and reasonable interest on the money sunk in it so that the reasonable expectations of the shareholders who bought shares are not disappointed, it is thought that there can be no question of over-capitalization. A moralist would have no difficulty in approving any one of these recognized standards as a basis for capitalizing a company. Provided that the shareholders get fair value for what they contribute according to their reasonable expectations, and the creditors of the company, if there are any, are not wronged, and no harm is done to others, it is a matter of indifference to the moralist what may be the basis of capitalization. The moralist of course cannot tolerate over-capitalization, or capitalization largely in excess of what is right and proper according to any fair standard whatever. The practical evils of over-capitalization which make it necessary for the moralist

[3] L. c., p. 133.

to condemn the practice may be summed up in the words of Professor Ripley. He says:

Over-capitalization is one of the most frequent, time-honored and persistent charges brought against industrial combinations and against corporations particularly as distinct from other forms of business organization. The general public avers, in behalf of its interest as consumer, that while of course there is no direct relation between capitalization and prices, an excess of securities craving dividends is in itself an indirect incentive to unreasonable charges. An even more cogent objection than this is that the absence of any direct relation between investment value and the volume of stocks and bonds confuses all parties concerned. This was an underlying motive in the enactment of the Massachusetts Anti-Stock-Watering Laws of 1894. For a divergence between the actual property value and capitalization may lead to exorbitant prices and dividends at the expense of the public. It invites unearned profits on the part of promoters leading to corporate organization or financial readjustment in unnecessary or unmerited instances. It stimulates extravagance on the part of banking syndicates in the prices offered or paid for constituent companies. It facilitates internal mismanagement, even promotes actual fraud, by the ease with which the most alert stockholders may be confused as to the real standing of their own company. And finally it invites speculation and stock market jobbery among the public by the relatively small capital necessary to deal in, or acquire control of, considerable blocks of stock.[4]

Moreover, when a concern is largely over-capitalized its real value is obscured and there is no adequate security either for the creditor or for the shareholder. A few large dividends of an inflated company are no adequate security for the creditor; he must rest for his final security on the permanent and real value of the concern. It is obvious that the shareholders who have contributed their money in ignorance of the wide difference between the nominal and the actual capital of the concern are wronged, for only the actual capital can furnish them with the dividends, the expectation of which induced

[4] L. c., p. xxiii.

them to purchase shares. We are now in a position to study the morality of stockwatering in particular cases.

English law permits the promoter of a company to fix the nominal capital at any figure he pleases. A fee which rises progressively with the amount of capital must indeed be paid on registration, but the smallness of this fee is but a slight obstacle in the way of an enterprising promoter who for one reason or another over-capitalizes his company. The same is practically true of many of the States of the Union. To quote again from Professor Ripley:

> Among our American commonwealths the most flagrant examples of unlimited capitalization occur under the laws of West Virginia, Delaware, and New Jersey. In the first of these no limitation whatever is placed upon stock issues beyond payment of a small registration tax. The Delaware constitution follows the usual statutory enactment of other States, prohibiting all issues of stock except for money paid, labor done, or property actually received. The absence of all administrative control, and the apparent failure of the State courts to rule adversely, naturally renders this law of no effect. New Jersey has met the issue adroitly. Its Corporation Act, as revised in 1896, recites that "nothing but money shall be considered as payment of any part of the capital stock"; except that any corporation may purchase property by the issue of securities, in which case "the judgment of the directors as to the value of the property purchased shall be conclusive." [5]

We have seen what standard Massachusetts adopts for the legal capitalization of public-service corporations; for business corporations the Massachusetts Business Corporation Law, 1903, adopted the theory that "so long as incorporators are not acting fraudulently they may capitalize any property, tangible or intangible, at any amount they desire, provided that no stock may be issued at or after organization until a statement has been prepared and placed upon public record, showing the amount of stock which has been issued and the

[5] L. c., p. 122.

exact manner in which it is paid for."[6] Similarly, the English Companies Act, 1900, relies on publicity as a safeguard against over-capitalization. By that Act the prospectus of any company, which offers shares to the public for subscription, must among other things contain "the names and addresses of all vendors of property purchased by that company, together with the amount payable in cash or shares to the vendor, and where there have been a succession of vendors, then the amount paid to each; the amount payable for goodwill (a frequent excuse for concealed fraud) is to be set out particularly: the sum paid as commission for procuring subscriptions, for preliminary expenses, and generally anything paid to the promoter must also be clearly specified, and, finally, the dates and parties to every material contract entered into during the previous three years, not being a contract made in the ordinary course of business, must be set out, together with the place where such contracts may be inspected."[7] These provisions are hardly adequate to protect investors against the evil of stockwatering. A common practice of company promoters is thus described by Mr. Montague Barlow in the volume from which we have already quoted:

In the normal course a promoter finds a flourishing industrial concern worth, say, £10,000, and decides to float it as a company for as much more as he can get; he obtains from the proprietors a contract to sell for £10,000; he then forms a small syndicate which is registered as a company; and purports to sell to it the contract or option at an enhanced price, say, £50,000; the syndicate next sells to the person who is to appear before the public as the vendor of the business, again, of course, with an advance; probably by this time we have got to £100,000; and lastly, the nominal vendor purports to make what is called a provisional contract with another dummy called the trustee for the company, subject to adoption by the company; by this time we are in the region of high finance, and the price may be anything up to seven figures. The promoters thus keep piling up

[6] W. Z. Ripley, l. c., p. 389.

[7] M. Barlow ap. Ripley, l. c., p. 423.

profits on each transaction, and the so-called contract with the syndicate, with the nominal vendor, and the provisional contract with the trustee for the company are obviously not real contracts, all these persons being the nominees of the promoters.[8]

The English legal attitude towards transactions of this nature is thus described in the Report of Lord Davey's Committee on the Companies Acts which was issued in 1895:

If all this were done openly and the persons who are asked to subscribe were made acquainted with the real situation, and were told that the so-called vendor is a man of straw, and that the so-called contracts are only machinery for securing payments out of the company's money to the promoters and underwriters and their friends, there could be no legal objection. If people with knowledge of the facts like to embark on an undertaking for which they are paying, say, twice as much as the real and present owners of it are willing to sell it for, they may be wise or unwise, the speculation may turn out well or ill, but it is their own affair.[9]

Whatever be the legal attitude towards such transactions, the moralist must condemn unreservedly the selling of property to the public at a price several times above its value, and he cannot accept the plea that subscribers knew or might have known what they were doing. As a matter of fact the large majority of subscribers are incapable of forming a judgment on the merits of the case even if they had the documents before their eyes; and on account of distance, or for other reasons, they cannot take the trouble even to look at them. They rely on the good faith of the promoter and of the directors, and these take the opportunity to rob them. Even a sound concern which would pay a good dividend on a fair capitalization can only hold out a promise of loss and ruin to those who have subscribed to a capital many times the value of the property.

The normal method of watering the stock of a new company which was described above may vary almost indefinitely

[8] L. c., p. 417. [9] P. xi.

in its details, but the malice of the operation remains the same; the operators obtain possession of other people's money without having any just title thereto; they are guilty of injustice and must make restitution of their ill-gotten wealth. The same must be said of the crude device of issuing additional stock and then only applying part of the proceeds, or perhaps none at all, to the purposes of the company, but dividing them among the operators. Little better from the moral point of view is all stockwatering which lowers the value of the stock of the present holders without their consent or compensating advantage or necessity.

If the principles of moral theology require us to be uncompromising in these and similar cases, they allow perhaps of greater indulgence in certain other cases where individual rights are not infringed, though the law of the country may be violated. In some States, as in Massachusetts, there are anti-stockwatering laws which bind at least public-service corporations, and there is a legal limit to the amount payable in dividends, usually 8 per cent. We will select from Professor Ripley's book a few examples of the devices adopted to evade such laws as these.

Probably, the commonest of these is by the payment to shareholders of so-called stock dividends. These consist either of an outright bonus of new shares of stock or bonds, or in a mitigated form as stock sold below par or at less than market quotations. Such "melon-cutting," in the parlance of Wall street, may range as high as 100 per cent, as in the Adams Express Company dividend of 1898. The notable Boston and Albany distribution of State stock in 1882 is a familiar example. This crudest form of inflation of capital, whether up to or beyond the increasing value of the plant, is the easiest to control directly. . . . Another somewhat more subtle mode of accommodation of capitalization to enhanced revenue potential, since it may not really augment the volume of securities outstanding, is to substitute stock issues for funded debt. The tendency in this direction seems to be very marked at the present time among the strongest of the American railroads, such as the New York Central, the Pennsylvania, the Central of New Jersey, New York, New Haven

and Hartford, and others. In some of these, outside of Massachusetts, the primary motive would seem to be to take advantage of rights to issue securities at par, where market value is high. But in addition there would seem to be the advantage of great elasticity in future dividend possibilities, within the same limits of total capitalization. Thus a substitution of possibly 8 per cent stock for present 4 per cent bonds clearly permits of the absorption of greater earnings to be derived in future. The advantages of stock issues over bonds in the way of elasticity downward is of course always to be added; as they permit of a cessation of dividend burdens during periods of depression. Probably for this reason the tendency of most reorganization schemes seems to have been in the direction of retirement of bonds in favor of stocks. . . . The gradual accumulation of a surplus, either by good management or by exceptional opportunities followed by a petition for its capitalization into stocks or bonds, constitutes one of the most troublesome problems in any attempt at strict regulation. For, as will readily be observed, in so far as such a surplus—either in the form of cash, of securities of other companies, or of additions to the original plant—represents augmented investment, it would seem to offer a proper basis for addition to capitalization. It cannot be denied that in this case the property has enhanced in value. Unfortunately for the company, however, a surplus stands too often in the public eye as witness to abnormal and undeserved earnings in the past. In those commonwealths which once provided in their early railroad charters for escheat to the State of all earnings in excess of a certain amount, usually 10 per cent; or those like Massachusetts which under the recent law of 1898 provide for a special tax upon dividends of street railways in excess of 8 per cent, such a surplus may denote an actual evasion of legal liabilities.[10]

Expedients of this sort will be of practical importance only where the law of the country restricts capitalization or the amount payable in dividends on investments. We assume of course that such laws are just, and good citizens will endeavor to conform their conduct to the laws of their country. It may be that a larger percentage than is allowed by law to be paid

[10] L. c., p. 139 ff.

in dividends would be the fruit of extortion and unjust dealing on the part of the corporation, and if this be so the shareholders will have no right to the excess which is the fruit of injustice. Such excess is due to those who were wronged and from whom it was extorted, and it must be restored to them. Moreover, if the limit in the amount of the dividends allowed by law was accepted by the corporation and formed part of the conditions of incorporation it must of course be adhered to like all other contracts lawfully entered into. If however the above expedients are not productive of injustice or hardship to the public or to individuals, whether belonging to the corporation or not, but are merely illegal, the question for the moralist will be—What is the obligatory force of the laws which prohibit them? This will chiefly depend upon the intention of the legislator, and as modern civil legislators as a rule have no intention of making their laws rules for the individual conscience we shall be safe in saying that they do not bind under pain of sin. In so far then as the expedients described above and others similar to them are merely against positive law they will be illegal, but not necessarily and always sinful.

The same decision will be given with respect to another operation described by Professor Ripley:

> Next in importance to the conversion of a surplus into stock as a means of increasing capitalization is the expedient of funding contingent liabilities or a floating debt. . . . The creation of such a floating debt may sometimes serve as a means to the enlargement of capitalization. This would seem to have been the case of late with public service corporations in Massachusetts, particularly the electric light and power companies. Denied the expedient of surplus conversion into stock, both by the public policy already discussed and by the great depreciation in the cost of equipment, recourse has most naturally been made to the opposite expedient. Almost ten years ago the Gas commissioners called attention to the desire on the part of companies managed by men of a speculative turn of mind to cover all expenditure for construction by issues of interest-bearing scrip.[11]

[11] P. 144.

Of course if contracts are broken or the rights of shareholders or others violated by such a transaction it will be sinful, but in itself it would appear not to be so necessarily, however much it may be against the law. Any operation which lowers the interest on any particular stock or which affects its value must have the consent of the stockholders, otherwise it will do them an injury and therefore be sinful. This remark applies to a couple of operations described by Professor Ripley. The first

consists in gerrymandering the constituent companies, so that those strong ones oppressed with surplus earnings may have aggregated about them the roads which are less favorably situated. The claim is openly made that the Massachusetts Electric Companies, composed of forty odd suburban traction lines, is having its membership so distributed in three main groups, each to be separately operated, as to effect this end. Thus the Lynn and Boston road earning perhaps twice its legally allowed dividend of 8 per cent, is made to average up its earnings with a number of small roads which are scarcely meeting operating expenses. The result is a 6 per cent dividend upon their united capital, with a net yield to shareholders far in excess of that contemplated under the law of 1898. The other stockwatering device attendant upon consolidation consists merely in the substitution of a high-grade for a low-grade security. For example, a weak company whose stock is quoted at 50, is merged in a second operating corporation, with stock, bid, we will say, at 200. This latter company issues new stock worth $200, share for share, in exchange for the $50 stock, which is thereupon cancelled.[12]

The same judgment applies to another operation also described by Prof. Ripley:

The final method of evasion of anti-stockwatering statutes is found in the creation of independent finance corporations to which the operating company may be leased, sold, or trusteed. Thus in 1893 the Brooklyn City Railroad Company, operating with horse-power, was capitalized at $6,000,000. At that time

[12] L. c., p. 145.

its power was transformed to electricity; and, as has been customary in such cases, the opportunity was seized for an increase of stock and bonds to $18,000,000. Simultaneously, the road was leased to the Brooklyn Heights Railroad Company, a tiny corporation operating only a mile of track and capitalized at $200,000. This company agreed to meet interest charges upon $6,000,000 of bonds and to pay 10 per cent upon the $12,000,000 of stocks of the leased company. Finally, in the same year, the Long Island Traction Company, incorporated under the laws of West Virginia with $30,000,000 capital, purchased the stock of the intermediary,—the Brooklyn Heights Company,—in order to absorb such surplus revenue as might remain over and above its obligations to the primary and sole operating concern. Thus was a fivefold increase of capitalization up to the desired figure finally effected.[13]

From what has been said it is obvious that stockwatering is a term which is applied to many different operations of widely different moral quality. What has been said will perhaps make it easier for the student of moral theology to decide on the moral quality of any particular operation that he may meet with.

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JOHN XXI, PHILOSOPHER—PHYSICIAN—POPE.

PROBABLY nothing is more commonly accepted, even among the educated who are outside the Catholic Church, than the tradition that while the Church was the ruling force of the educational world of Europe she was if not directly opposed to natural science at least very jealous of its advance, and ecclesiastics were prone to the persuasion that devotion to natural science almost surely undermined faith. This is supposed to be especially true with regard to the experimental sciences during the centuries before Luther's revolt. We all know that philosophy and the deductive sciences were en-

[13] L. c., p. 146.

couraged. The inductive sciences, however, are often said to have been placed if not under the ban of ecclesiastical regulations at least under the discouragement of the Church, to such a degree that it is no wonder that progress in them was not made and that it was not until quite recent times that the physical sciences developed. According to commonly accepted ideas, only in proportion as the hold of the Church on education and on the minds of men generally became relaxed in the renaissance period did science begin to make serious progress, while it is only since the use of the spirit of free thought that science has taken her supreme place as the mistress of intellect.

Doubtless there are many people who consider that this is the proper way to sum up the history of science until our own times. Such a view, however, contains more misstatements, more perversions of thought, more ignorance of the real state of the history of science during the Middle Ages, than could possibly be condensed into any equally brief space. It supposes that there was no study of the physical sciences to speak of during the Middle Ages, which is absolutely untrue. I need say no more than that there were some twenty medical schools founded in Europe before the Fall of Constantinople in 1453, which is usually considered the end of the Middle Ages, to show that the medical sciences were cultivated very assiduously. These had large numbers of students in attendance and some of them were larger than most of our medical schools of the present day. Three years of preparatory study in logic and philosophy were required for these schools, and then three and sometimes four years in the study of medicine, to which an additional year had to be added if the student intended to practise surgery before license to practise would be given. Every single one of the modern sciences developed during the thirteenth century. Noteworthy contributions were made to physics, chemistry, physical geography, botany, meteorology, astronomy and, above all, to the subject of geography during that great century of educational activity when the universities were cast into their modern form.

The ecclesiastical authorities absolutely ruled in these uni-

versities. The chancellor of the university was usually the Archdeacon of the Cathedral of the town in which the university was located. Most of the professors were clerics. Most of the students in those days were protected from various military impositions and political claims that might be put upon them by the civil authorities by belonging to the clerical order. It was churchmen then who developed the sciences and laid the foundations of what we now call the physical sciences. Still more wonderful than this, however, is the fact that the most distinguished contributors to the physical sciences were as a rule members of the religious orders, many of whom reached high dignities in the Church and some of the most distinguished of them were canonized after death. In other words the ordinary impression with regard to the attitude of the Church in the Middle Ages towards science is founded on a misconception of the history of science and education. There is no excuse at all for its existence except that Protestant tradition which, beginning at the time of the so-called Reformation, blackened all the preceding centuries so as to justify the apostasy from the Church, by making it very clear that for centuries the Church had been keeping people in ignorance and that this was the only way that their allegiance could be secured. In English-speaking countries this method succeeded so well that, until comparatively recent times, it was practically impossible to convince people that anything good could come out of the Nazareth of the time before the Reformation, though it is in these centuries that were laid the foundations of all that is most interesting and important in our modern life.

As a matter of fact success in scientific investigations during the Middle Ages often constituted at least one of the reasons why men received ecclesiastical preferment. Few men have ever done more for science in the strictest sense of that term than Albertus Magnus, who has altogether more than fifteen treatises on subjects connected with the physical sciences. After having been the Provincial of his order, the Dominican, however, he was selected as Bishop of Ratisbon,

and was one of the most honored and respected ecclesiastics of his time. Thomas Aquinas, who has come to be the most honored scholar in the last thousand years of the Church's history, is another example. Not a little of his work was concerned with the physical sciences—as might be expected, for he was a favorite pupil of Albertus Magnus. Far from this hurting his career in any way it served only to add to the estimation in which he was held as the greatest all-round scholar and most conservative thinker of his time. He was chosen to be the Archbishop of Naples and the Bulls for his appointment were actually issued when he was saved from the dignity which would have been so serious a hindrance to his work as an investigator in philosophy and in science by his own protest and those of his friends that he should be permitted to devote himself to the writing of the greatest *Summa* of human knowledge that was ever planned.

What was true in the thirteenth remained true in the fourteenth and fifteenth centuries. The Father of Modern Surgery, of whom it has been said that he was one of the greatest contributors to medicine of all time, was Guy De Chauliac, who was a cleric, the chamberlain of three popes and the physician-in-ordinary to them. There surely could have been no opposition to science while Chauliac was the confidential adviser for some thirty years of the popes of the fourteenth century. The same thing was true in the next century. The founder of modern astronomy is Regiomontanus, who first established an astronomical observatory in the modern time and published tables of astronomical observations. He was called down to Rome by the pope in order to correct the calendar, unfortunately dying before he had completed his work, but not before the pope, as a reward for his success in science as well as his faithfulness to his ecclesiastical duties, had made him the Bishop of Ratisbon. Cardinal Nicholas of Cusa is another man of the fifteenth century who had won distinction by his originality in science and especially in astronomical thought before he was made Cardinal and sent up to Germany to help in the reform of abuses in that country.

With distinguished scientists as papal chamberlains, bishops, archbishops and cardinals when one reads history aright, it is not near so surprising as it might otherwise seem that there should have been a distinguished scientist who became pope. This was the famous Peter of Spain who had been a physician and a professor in several universities before he was made bishop and eventually chosen as pope. It is rather curiously interesting to note that in the picture of Paradise where Dante [1] has enumerated some of the distinguished scholars who have a place in heaven, Bonaventure, Augustine, Chrysostom, Anselm, and Abbot Joachim, with Hugh of St. Victor, he also notes the presence of him

> . . . of Spain,
> Who through twelve volumes full of light descants.

The reference is to Peter of Spain, and Plumptre notes that this is the only pope whom Dante speaks of as in Paradise though he has mentioned a number of occupants of the papacy as dwelling in other portions of the after-world.

This was Pope John XXI as he is usually denominated in history, though owing to the difficulty of deciding with regard to certain dubious Popes in time of schism, he has also been called Pope John XIX and Pope John XX. There has even been some confusion between him and one of his successors, the Avignon Pope John XXII, and certain cyclopedias have attributed works that were surely written by Pope John XXI to this French Pope of the next century. In *Janus*, which is the International Archives for the History of Medicine and for Medical Geography, some ten years ago,[2] Dr. J. B. Petella reviewed all that is to be found in literature with regard to Pope John XXI, and makes it very clear that he was a physician before he became Pope, that he wrote a little book on the affections of the eyes which is not only a medical but also a

[1] ***Paradiso*, Canto XII, 135.**

[2] Janus, Archives Internationales pour l'histoire de la medicine et pour la Geographie Medicale. Deuxième Année. Amsterdam, 1897-1898.

literary classic, because it is one of the earliest Italian writings that we possess, and has been used for dictionary purposes by the Academia Della Crusca. Moreover this Pope during his occupation of the Holy See probably directed the writing of a little book called the *Treasure of the Poor* for the popularization of medicine for those who could not afford a physician's services.

John XXI was not however the first Pope in history noted for attainments in science. At least two Popes in centuries not long before his reached distinction in the scientific circles of their time. The first of these was Gerbert, who, under the name of Pope Silvester II, is looked upon as one of the great original thinkers of the Middle Ages. Gerbert had lectured for many years in the schools of France and attracted the attention of many of his contemporaries, finally becoming Archbishop of Rheims and then of Ravenna and eventually Pope. There is no doubt at all that he was the most distinguished scholar of his age and his writings show a range of interest and knowledge quite unparalleled in that generation. He lectured on astronomy at Rheims and in order to make his lectures clearer he constructed elaborate globes of the terrestrial and celestial spheres on which the courses of the planets were marked. Demonstration was his forte in teaching, and those who affect to contemn the *quadrivium* as an incomplete course of study founded only on book learning, should learn something of the methods employed in teaching it by Gerbert at the beginning of the last quarter of the tenth century. Besides the apparatus for demonstrations in astronomy he constructed an abacus for demonstrations in arithmetic and geometrical processes. This apparatus is said to have had twenty-seven divisions and a thousand counters of horn.

Every form of physical science interested him. His studies in astronomy led to some speculations with regard to light, but it was in sound that some of his best work was accomplished. He had an extraordinary knowledge of music for his time, and his letters contain many references to organs which

he constructed. William of Malmesbury has incorporated into his chronicle a description of a magnificent musical instrument which was still to be seen in his day at Rheims and which was attributed to Gerbert's inventive and mechanical ability. The description of this organ seems to show that it was worked by steam. It is from a contemporary of Gerbert's that we learn that he made a clock or sundial at Magdeburg which measured the hours very exactly and which was soon imitated in many parts of Europe. If we add to this account of his knowledge of science the fact that with Gerbert love for literature was a passion and that probably his greatest claim to remembrance by posterity is the amount of labor and expense he devoted to gathering manuscripts of the classical authors, then some idea of the breadth of his intellectual sympathies will be realized.

Pope Silvester died in 1003. Before the end of that century another Pope who had gained some distinction if not in science itself at least by his connexion with the greatest medical school of the time as a teacher and by his intimate friendship with the great physicians that gave Salerno its world-wide reputation, was to ascend the papal throne. This was Victor III, who had been for some time the abbot of Monte Cassino and who was suggested by the famous Pope Gregory VII as one of the men most worthy to succeed him. Desiderius as a younger man had taught at Salerno though it is not sure that he actually taught medicine. At this time Salerno had only a medical school and some courses in philosophy in preparation to medicine. While here Desiderius became the great personal friend of Constantine Africanus, the greatest of the Salernitian writers on medicine, and it was he who persuaded Constantine to give up his teaching and devote himself in the Abbey at Monte Cassino to writing out the account of all that he had learned in medicine during his travels in the East. Constantine spent the last thirty years of his life in Monte Cassino doing this writing, which has preserved the medicine of the preceding five hundred years for modern generations. Another particular friend of Desiderius was

Alphanus, who taught medicine at Salerno for many years and later became the Archbishop of Salerno. Alphanus had been a monk at Monte Cassino and had assisted Abbot Desiderius in the foundation of the famous library there. We have two books on medicine that are attributed to him, *De Quattuor Elementis Corporis Humani*, and *De Unione Corporis et Animae*, as well as some smaller monographs. With Constantine and Alphanus as his very dear friends, it would seem that the tradition that Desiderius before becoming the Abbot of Monte Cassino had taught medicine should be accepted, and therefore we have another scientist to set among the Popes. If not a scientist himself there is no doubt at all about his beneficent patronage of medicine.

These distinguished predecessors in the Chair of Peter in the immediately preceding centuries would make it still easier to understand the elevation of Peter of Spain to the papacy in spite of the fact that it seems incongruous to modern ideas that a physician should become Pope. The opposition between science and Faith which is so often suggested does not exist for the leaders of science in any period, not even our own, and the deeper a man's knowledge is the more profound is likely to be his persuasion, not only of the need of faith to balance human life but likewise of the evidence for beliefs that accumulates in the course of a career devoted to science.

It must not be thought that we have been left to obtain information with regard to this physician who became Pope from writers long after his time, who took the scattered traditions that might have been exaggerated by time and by the unusualness of the conjunction of a knowledge of medicine with an election to the papacy and pieced them together as a marvel for posterity. We have a number of mentions of this Pope and his connexion with medicine made by contemporary writers. Martin of Oppavia mentions the facts. Ptolemy of Lucca, who had been a confessor of Thomas Aquinas and afterwards became Bishop of Toncelli, also calls attention to them. Jacob da Voragine, Archbishop of Genoa, the author of the *Legenda Aurea*, known also as the *Speculum Sanctorum*,

from which our American poet Longfellow borrowed the title and some of the incidents for his "Golden Legend," also tells the story of the physician Pope. There was a Dominican chronicler, Francisco Pippino, of Bologna, best known perhaps for having translated the original French version of Marco Polo into Latin, who tells us with regard to Pope John XXI that "he was more devoted to scientific questions than to the details of his duties as a Pope, and though he was a great philosopher he found time for investigation and research in the natural sciences."

It is easy to understand that many of these men would be unsympathetic toward this interest in the sciences. Especially was this true because the Pope refused to give up his favorite studies even after his elevation to the Pontificate. There is another side to this, however, which is very interesting. When John became Pope there had been in recent years a great advance in scientific knowledge and, as always happens when there are new developments in natural science, many discoveries seemed to contradict truths that had been previously accepted on the authority of revelation. Pope John realized this and yet appreciated very well from his own knowledge of science that, while a little science might lead away from faith, deeper knowledge of it presented no dangers. He took advantage of his own scientific training, then, to point out that certain heresies which had arisen apparently on the basis of new discoveries in science were worthy of condemnation because they perverted scientific truth in order to make it apparently contradict Christian doctrine.

Peter, who was afterwards to be known as Magister Petrus Hispanus and finally Pope John XXI, was born, according to the best attainable details, in the second decade of the thirteenth century. His father had been a physician and bore the name of Julius. Most of the writers who mention him declare that he came from an obscure family. He is one out of the many self-made men of the thirteenth century all of whom rose through intellectual advantages. He seems to have made his medical studies mainly at Paris, though writers

who are themselves interested in Montpelier claim that he was also there for a time, and it is not unlikely that the medical schools of both these universities, which were so celebrated at the time, attracted Peter who had the renaissance spirit already awakened in him of trying to exhaust all knowledge. While he was Pope he wrote a letter to the Bishop of Paris in which he congratulated himself on having been for many years—"per plurimos annos"—in the University of Paris. In this letter he asks particularly for certain doctrines that were being taught at Paris and were suspect of heresy, in order that he might be sure that nothing should injure the good name and the Catholic influence of his Alma Mater.

In this letter he confesses that he retains a special affection for Paris because "within its dwellings he had been brought up from early years and had applied himself to various sciences, finding the opportunities provided for education most savory. After the deep draughts of knowledge there obtained, as far as the God of majesty, the giver of true wisdom permitted him to take its opportunities, he does not think that he will ever be able to forget how much he owes to this mother of study." Sometime during the sixth decade of the thirteenth century, when he was probably about thirty-five years of age, Peter received an invitation to the chair of Physic, as medicine was then called, at the University of Siena in Italy. His salary was to be forty lire a year which seems very small but it is impossible to say what the value of money was at that time.

Just what sort of teaching in medicine Peter did in Siena we are not quite sure, though doubtless his little volume on eye diseases should be taken as an index of the practical nature of his instruction. It serves to show that clinical observation held a large place in his method. One other thing seems sure. During his time as professor of medicine at Siena this Italian town passed the first law that we know of for the regulation of public health. That this was due to Peter's influence we gather from the fact that later on when he was recalled to Rome he was made not only the physician

to the Pope but moreover the Physician to the Papal City under the title of Archiater, an office that would about correspond to that of chief of the department of health in our time. This of course would stamp him as a great benefactor of mankind in another way, since after all it is the development of sanitary science by means of public health regulations that has done so much to make the health of communities better and lower the death rates of our cities. It may seem surprising to find the beginning of this in the thirteenth century, but it will not be so to those who know how thoroughly the men of that time entered into every phase of human thought and how much they accomplished for the benefit of humanity that has proved enduring.

While at Siena Peter did not confine himself to medicine however, as indeed the great physicians of most progressive periods have not, but devoted himself to philosophy as well as to medicine. He wrote a little volume on logic known by the name of the *Summulae Logicales* or Logic Compendia which became the text-book in this subject at most of the Italian universities during the next two centuries. This authorship has been disputed mainly on the ground that it is too much to expect that a pioneer in medicine shall also be a leader in logic, but the investigation of the subject by Dr. Petella in his article in *Janus,* which we have already quoted, seems to leave no doubt that it was the same individual who wrote the little book on eye diseases and who taught Physic at Siena, yet also was the author of this book on logic. It was the book on logic which indeed attracted Dante's attention to him more than anything else, since in his time it had come to be in the hands of most Italian students.

After this experience at Siena Peter seems to have returned to his native country, Portugal, and became the administrative head of the Schools which existed there under the Archbishop of Lisbon. His success as an administrator in his position as well as the popularity acquired as a teacher led to his appointment as Archdeacon of the Church of Braga. Subsequently he became Archbishop of Lisbon. A physician

archbishop was not an anomaly, for many ecclesiastics of this time practised both medicine and surgery and became distinguished physicians. During this same thirteenth century we have the names and the works of many priests and monks who were also physicians. Among them is Gilles de Corbeil, a Benedictine who afterwards became a Canon in Paris and who made his contributions to medicine in verse. We have the record of what are called poems by him on the pulse, on the urine, and on drugs. Then there was John of St. Amand, a Canon of Tournai who was famous for his medical care of the poor. In England there was Richard of Wendover, a Canon of St. Paul's, London. Some of these clergymen-physicians rose to distinguished ecclesiastical positions. Simon of Genoa became the Chaplain of Pope Nicholas IV. John of St. Giles, another Englishman, became the theologian as well as the physician to the French King Philip Augustus. Odo, an Abbot of St. Genevieve of Paris, was given the title of physician as an honor.

Far from his ecclesiastical position then proving a detriment to his advancement, or his medical knowledge interfering with his ecclesiastical preferment, the combination seems to have proved, as Dr. Petella has pointed out, especially favorable to Peter of Spain. The reputation which he had left behind him at Siena endured, and after he had been made an Archbishop in Portugal he was summoned again to Italy and became what we would now call consulting physician to the Papal Court. One of the things that had especially rendered his memory enduring at Siena was his attention to public health. The title that was given him at Rome was that of Archiater—Chief Physician—a title that might well be taken to imply something of that regulating relation which a chief health officer holds in our time. This title we know was confined to those who held positions at Royal Courts relating to public health and who sometimes had the duty of training those who had charge of public sanitation.

Our main evidences for Peter's knowledge of medicine are contained in his little book which bears various titles in the

half-dozen manuscript copies that exist, though these do not differ much among themselves in the text. Its initial sentence according to the custom of the times is the invocation which we still use only in such formal documents as wills: *In nomine Dei, Amen.* The text opens very logically with an account of the anatomy of the eye, describing seven tunics or coats and three humors. Peter begins with the retina, probably because of its importance and apparently he had often dissected eyes for he distinguished the various coats very clearly. The aqueous humor he calls the albugineus. The two other humors bore even then the names we have for them now, the crystalline and vitreous. After speaking of the eyeball itself he describes the muscles of the eye. For him there are eight external ocular muscles, as he includes among them the elevator of the upper-eyelid and the orbicular muscle by which we shut the eye. The external anatomy of the eye was quite complete at this time.

With regard to the pathology of the eye the little book is much less satisfactory and yet it is very suggestive. The introduction of spectacles in the thirteenth century—they are first formally prescribed in one of the medical books of Bernard Gordon, a Scotchman, who taught at Montpelier at the end of the thirteenth and the beginning of the fourteenth century—had simplified eye diseases to a noteworthy degree. Before that, failure of sight, due to such changes as require correction by spectacles for advancing years, had either been looked upon as a disease that might be cured by treatment or had been accepted as an inevitable misfortune. With these refractive problems out of the way much more attention could be given to the passing pathological conditions. The external diseases of the eye John diagnosed with more assurance than we might be apt to think possible. He has a good description for instance of lachrymal fistula, though he confessed his inability to do much for it. He describes trichiasis, that curious and very annoying condition in which the cilia are entirely or in part directed against the globe of the eye causing photofobia and lachrymation. He describes the method of

treatment which he himself had invented for it. He seems to have removed the hairs and then lightly cauterized the hair follicles with a hot needle of gold or silver.

He also recognized various forms of blepharitis and, curiously enough, he insists very emphatically on the fact that this affection is quite as often due to the general condition of the patient as to any local affection. He forbids those who are suffering from this eye affection to fast and says that they should rather endeavor to gain in weight. Ordinarily it is presumed that our knowledge of cancer is comparatively recent. Pope John recognized however that certain ulcers of the eyelid were of a malignant type that spread in spite of treatment and that were likely to prove fatal. He makes many suggestions for it but the very number of them would seem to indicate that he had tried or seen most of them tried unsuccessfully.

Of internal disorders of the eye Peter also knows much more than we might expect possible some centuries ago. Cataract, for instance, he describes under the name of "water that descends into the eye" and he makes the distinction between spontaneous cataract developing without any recognizable local reason and that which occurs as a consequence of some injury. Pterygium, familiarly known as "bird-wing," one of his contemporaries had treated by excision in quite the modern way, but Peter can suggest nothing better than the blood of the eel or the juice of the lily-root.

A curious disease that has attracted much attention in modern times had not escaped Peter's observation. This is what we know as night-blindness, an affection which prevents people from seeing once night begins to fall. In strong light the sufferers from it see very well but in twilight their vision fails almost completely. Occasionally this sort of blindness occurs as a consequence of eye strain from looking at snow for long periods, or on bright light reflected from water, as in the tropics. Sometimes the exactly opposite effect is produced and while vision is good in the darkness it is almost nil in the light. Peter discusses the curious conditions of nyctalopia

and suggests fumigations with burnt livers of fishes, in this very nearly approaching the remedy prescribed for the same affection in certain European navies during the nineteenth century. Another set of nervous affections which occur in the eye, the various muscular paralyses, had attracted Peter's attention and he considered them due to brain troubles. Even cross-eyedness was for him a mark of some trouble in the brain rather than a local condition in the eye. As is well known for a certain number of these cases this is quite true. In modern times we have come to recognize that cross-eyedness is distinctly hereditary and is probably due to some defect in the nervous mechanism of the eye in many instances.

Peter has not many remedies that we would care to use at the present moment, and yet some of those that he mentions are suggestively interesting as showing how much observation might help in establishing certain principles of treatment at a time when the pathology and especially the etiology of eye diseases had been scarcely studied seriously, much less established. This thirteenth-century oculist was quite sure that eye diseases depended to a considerable extent on the general condition of the patient. Hence the regulation of the diet with insistence on abundance of food was one of his favorite modes of treatment. He seems to have realized that many eye manifestations were really not eye diseases but only symptoms of general diseases which would disappear when the patient was brought into better condition. This is just what many specialists in eye-diseases are emphasizing more and more at the present time. The livers of fishes used internally and externally was a favorite prescription with Peter. This seems one of these curious medieval medical superstitions, but it must not be forgotten that at the present time cod-liver-oil is also a favorite prescription of the eye specialist, and in the days when they had not the means of expressing the oil the use of the whole liver was an excellent substitute for it. The use of the livers externally has not been without imitation even in recent years, as is pointed out by Dr. Petella, and in certain chronic eye diseases biliary principles seem to be of

special service. Petella himself, who is a member of the Italian Marine Service, quotes Fonssagrives, the eminent hygienist, who was an enthusiastic advocate of this method of treatment and caused a number of collyria (eyesalves) to be prepared, the active constituent of which was bile. We have come back then to the use of the livers of certain animals as they were employed entirely empirically in the Middle Ages, and, curiously enough, the livers that are especially recommended are those of animals that live by rapine. Peter discussed the question as to whether the liver of the chicken would do under these circumstances and decided against it.

In conclusion then we may quote Dr. Petella's résumé of the life and influence of this philosopher-physician who became Pope. "There is no doubt at all that he was the same one who was immortalized by Dante in his Paradiso, and that he occupied the Papal Throne under the name of John XXI. He was one of the most distinguished personages of Europe during the thirteenth century, from the point of view of the triple development of his extraordinary intellect, in its devotion to the physical sciences, to the metaphysical sciences, and to the needs of the religious world of his time. In him was incarnate the savant of his time, the encyclopedic summing up of the knowledge of the Middle Ages in their first renaissance. He may not have practised general medicine, though there can be no doubt of his knowledge of public hygiene or of his thorough familiarity with the ophthalmological knowledge of his time. The *Treasure of the Poor,* sometimes attributed to him, may not be entirely from his hand, but it was probably made under his direction for the assistance of the poor, and the chapter on eye diseases which it contains is taken from his work. It was probably made by the Archiater of the Vatican during his reign as Pontiff."

His life stands as a contradiction of much that is said about the Middle Ages and, above all, it shows that during the thirteenth century education was the most important reason for advancement in the hierarchy, and that the form of knowledge possessed by a man whether scientific or metaphysical

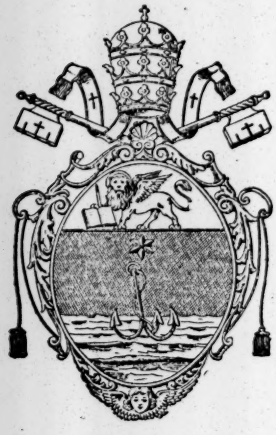
apparently made very little difference in his ecclesiastical preferment, provided he did not let his scientific speculations run away with his reasoning with regard to other matters, and if he retained that balance of mind which indicates at once the conservative spirit and the man whose judgment is valuable for purposes of administration. In a word they judged of a man in the thirteenth century very much as we do now, and with no more marked prejudices than are to be found in other ages even our own. If this little sketch of the philosopher-physician who became Pope will help to bring out the truth that men have never been any different in their judgments of others than what we are now, it will have helped to make history more intelligible.

JAMES J. WALSH.

New York City.

Analecta.

EX ACTIS SUMMI PONTIFICIS.



I.

Sanctissimi Domini Nostri

Pii

Divina Providentia

Papae X

In Quinquagesimo Natali Sacerdotii sui Exhortatio ad Clerum Catholicum.

PIUS PP. X

Dilecti filii salutem et Apostolicam Benedictionem.

Haerent animo penitus, suntque plena formidinis quae gentium Apostolus ad Hebraeos scribebat,[1] quum illos commonens de obedientiae officio praepositus debitae, gravissime affirmabat: *Ipsi enim pervigilant, quasi rationem pro animabus vestris reddituri.* Haec nimirum sententia si ad omnes pertinent, quotquot in Ecclesia praesunt, at maxime in Nos

[1] XIII, 17.

cadit, qui, licet impares, supremam in ea auctoritatem, Deo dante, obtinemus. Quare nocto atque interdiu sollicitudine affecti, meditari atque eniti non intermittimus quaecumque ad incolumitatem faciant et incrementa dominici gregis. Inter haec unum praecipue Nos occupat: homines sacri ordinis eos omnino esse, qui pro muneris officio esse debent. Persuasum enim habemus, hac maxime via de religionis statu bene esse laetiusque sperandum. Idcirco, statim ut Pontificatum inivimus, quamquam, universitatem cleri contuentibus, multiplices eius laudes elucebant, tamen venerabiles fratres catholici orbis Episcopos impensissime hortandos censuimus, ut nihil constantius nihil efficacius agerent, quam ut Christum formarent in iis, qui formando in ceteris Christo rite destinantur. Sacrorum autem Antistitum quae fuerint in hac re voluntates probe novimus. Novimus qua providentia, qua navitate in excolendo ad virtutem clero assidue connituntur: de quo illis non tam laudem impertivisse, quam gratias palam habuisse libet.

At vero, quum ex huiusmodi Episcoporum curis iam plures e clero gratulamur caelestes concepisse ignes, unde gratiam Dei, ex impositione manuum presbyterii susceptam, vel resuscitarunt vel acuerunt; tum adhuc conquerendum superest, alios quosdam per diversas regiones non ita se probare, ut in ipso tamquam in speculum, prout dignum est, plebs christiana coniiciens oculos, sumere possit quod imitetur. Ad hos porro cor Nostrum per hasce litteras patere volumus; videlicet ut cor patris, quod in conspectu aegrotantis filii anxia palpitat caritate. Hac igitur suadente, hortationibus Episcoporum hortationes addimus Nostras: quae, quamvis eo spectent potissimum ut devios torpentesve ad meliora revocent, tamen etiam ceteris admoveant velimus incitamenta. Commonstramus iter quo quisque studiosius in dies contendat ut vere sit, qualem Apostolus nitide expressit, *homo Dei*,[2] iustaeque expectationi Ecclesiae respondeat.—Nihil plane inauditum vobis aut cuiquam novum dicemus, sed quae certe commeminisse

[2] I Tim. 6: 11.

omnes oportet: spem autem indit Deus, vocem Nostram fructum non exiguum esse hadituram. Id equidem flagitamus: *Renovamini..spiritu mentis vestrae, et induite novum hominem, qui secundum Deum creatus est in iustitia, et sanctitate reritatis;*[3] eritque hoc a vobis in quinquagesimo sacerdoti Nostri natali pulcherrimum acceptissimumque munus. Quumque Nos, *in animo contrito et spiritu humilitatis,*[4] exactos in sacerdotio annos recogitabimus Deo; quidquid humani dolendum sit, videbimur quodammodo expiare, admonendo vos et cohortando *ut ambuletis digne Deo per omnia placentes.*[5]—Qua tamen in hortatione, non vestras tantum utilitates tuebimur, sed communes etiam catholicarum gentium; quum aliae ab aliis dissociari nequaquam possint. Etenim non eiusmodi est sacerdos, qui bonus malusve uni sibi esse queat; sed eius ratio et habitus vitae sane quantum habet consequentis effectus in populum. Sacerdos reapse bonus ubi est, quale ibi donum et quantum est!

Hinc porro, dilecti filii, hortationis Nostrae exordium capimus, ut vos nimirum ad eam vitae sanctimoniam, quam dignitatis gradus postulat, excitemus.—Quicumque enim sacerdotio potitur, eo non sibi tantum, sed aliis potitur: *Omnis namque Pontifex ex hominibus assumptus, pro hominibus constituitur in iis, quae sunt ad Deum.*[6] Idipsum et Christus indicavit, qui ad significandum quo demum actio sacerdotum spectet, eos cum sale itemque cum luce comparatos voluit. Lux ergo mundi, sal terrae sacerdos est. Neminem sane fugit id praecipue fieri christiana veritate tradenda: at vero quem pariter fugiat, institutionem eiusmodi pro nihilo fere esse, si quae sacerdos verbo tradat, exemplo suo non comprobet? Qui audiunt, contumeliose ii quidem, sed non immerito obiicient: *Confitentur se nosse Deum, factis autem negant;*[7] doctrinamque respuent, nec sacerdotis fruentur luce. Quam ob rem ipse Christus, factus sacerdotum forma, re primum, mox verbis docuit: *Coepit Iesus facere, et docere.*[8]—Item, sancti-

[3] Ephes. 4: 23, 24. [4] Dan. 3: 39. [5] Coloss. 1: 10.
[6] Hebr. 5: 1. [7] Tit. 1: 16. [8] Act. 1: 1.

monia posthabita, nihil admodum sacerdos sal terrae esse poterit; corrumptum enim et contaminatum integritati minime aptum est conferendae: unde autem sanctitas abest, ibi corruptionem inesse oportet. Quapropter Christus, eamdem insistens similitudinem, saceradotes tales sal infatuatum dicit, quod *ad nihilum valet ultra, nisi ut mittatur foras,* atque adeo *conculcetur ab hominibus.*[9]

Quae quidem eo apertius patent, quod sacerdotali munere haud nostro nos fugimur nomine, sed Christi Iesu. *Sic nos,* inquit Apostolus, *existimet homo ut ministros Christi, et dispensatores mysteriorum Dei:*[10] *pro Christo ergo legatione fungimur.*[11] Hac nempe de causa Christus ipse, non ad servorum, sed ad amicorum numerum nos adscriptis: *Iam non dicam vos servos..Vos autem dixi amicos: quia omnia quaecumque audivi a Patre meo, nota feci vobis..Elegi vos, et posui vos ut eatis, et fructum afferatis.*[12]—Est igitur nobis persona Christi gerenda: legatio vero ab ipso data sic obeunda, ut quo ille intendit, eo nos pertingamus. Quoniam vero *idem velle idem nolle, ea demum firma amicitia est* tenemur, ut amici, hoc sentire in nobis, quod et in Christo Iesu, qui est *sanctus, innocens, impollutus:*[13] ut legati ad eo, debemus doctrinis eius ac legi conciliare fidem hominum, easdem nimirum nos ipsi primum servantes: ut postetatis eius participes ad animos vinculis culparum levandos, conari nos omni studio oportet ne illis implicemur. At maxime ut ministri eius in praecellentissimo sacrificio, quod perenni virtute pro mundi vita innovatur, debemus ea animi conformatione uti, qua ille ad aram crucis seipsum obtulit hostiam immaculatam Deo. Nam si olim, in specie solummodo ac figura, tanta a sacerdotibus postulabatur sanctitas; ecquid a nobis, quum victima est Christus? *Quo non oportet igitur esse puriorem tali fruentem sacrificio? quo solari radio non splendidiorem manum carnem hanc dividentem? os quod igni spirituali repletur, linguam quae tremendo nimis sanguine rubescit?*[14] Perapte S. Carolus Bor-

[9] Matth. 5: 13. [10] I Cor. 4: 1. [11] II Cor. 5: 20.
[12] Ioan. 15: 15, 16. [13] Hebr. 7: 26.
[14] S. Io. Chrysost. hom. LXXXII in Matth., n. 5.

romaeus, in orationibus ad clerum, sic instabat: "Si meminissemus, dilectissimi fratres, puanta et quam digna in manibus nostris posuerit Dominus Deus, quantam istiusmodi consideratio vim haberet ad nos impellendum ut vitam ecclesiasticis hominibus dignam duceremus! Quid non posuit in manu mea Dominus, quando proprium Filium suum unigenitum, sibi coaeternum et coeaqualem, posuit? In manu mea posuit thesauros suos omnes, sacramenta et gratias; posuit animas, quibus illi nihil est carius, quas sibi ipsi praetulit in amore, quas sanguine suo redemit: in manu mea posuit caelum, quod et aperire et claudere ceteris possim..Quomodo ergo adeo ingratus esse potero tantae dignationi et dilectioni, ut peccem contra ipsum? ut illius honorem offendam? ut hoc corpus, quod suum est, inquinem? ut hanc dignitatem, hanc vitam, eius obsequio consecratam, maculem?"

Ad hanc ipsam vitae sanctimoniam, de qua iuvat paulo fusius dicere, magnis Ecclesia spectat perpetuisque curis. Sacra idcirco Seminaria instituta: ubi, si litteris ac doctrinis imbuendi sunt qui in spem cleri adolescunt, at simul tamen praecipueque ad pietatem omnem a teneris annis sunt conformandi. Subinde vero, dum ipsa candidatos diuturnis intervallis gradatim promovet, nusquam, ut mater sedula, hortationibus de sanctitate assequenda parcit. Iucunda quidem ea sunt ad recolendum. Quum enim primo in sacrum militiam cooptavit, voluit nos ea rite profiteri: *Dominus pars haereditatis meae, et calicis mei: tu es, qui restitues haereditatem meam mihi.*[15] Quibus, inquit Hieronymus, monetur *clericus* ut *qui, vel ipse pars Domini est, vel Dominum partem habet, talem se* exhibeat, *ut et ipse possideat Dominum, et possideatur a Domino.*[16] Subdiaconis accensendos ipsa quam graviter est allocuta! *Iterum atque iterum considerare debetis attente quod onus hodie ultro appetitis;..quod si hunc ordinem susceperitis, amplius non licebit a proposito resilire, sed Deo.. perpetuo famulari, et castitatem, illo adiuvante, servare oportebit.* Tum denique: *Si usque nunc fuistis tardi da ecclesiam,*

[15] Ps. 15: 5.

[16] Eph. LII, ad Nepotianum, n. 5.

amodo debetis esse assidui: si usque nunc somnolenti, amodo vigiles:..si usque nunc inhonesti, amodo casti..Videte cuius ministerium vobis traditur!—Diaconatu porro augendis sic per Antistitem a Deo precata est: *Abundet in eis totius forma virtutis, auctoritas modesta, pudor constans, innocentiae, puritas et spiritualis observantia disciplinae. In moribus eorum praecepta tua fulgeant, ut suae castitatis exemplo imitationem sanctam plebs acquirat.*—Sed eo acrius movet commonitio initiandis sacerdotio facta: *Cum magno timore ad tantum gradum ascendendum est, ac providendum ut caelestis sapientia, probi mores et diuturna iustitiae observatio ad id electos commendet..Sit odor vitae vestrae delectamentum Ecclesiae Christi, ut praedicatione atque exemplo aedificetis domum, idest familiam Dei.* Maximeque omnium urget illud gravissime additum: *Imitamini quod tractatis:* quod profecto cum Pauli praecepto congruit: *ut exhibeamus omnem hominem perfectum in Christo Iesu.*[17]

Talis igitur quum sit mens Ecclesiae de sacerdotum vita, mirum nemini esse possit, quod sancti Patres ac Doctores omnes ita de ea re consentiant, ut illos fere nimios quis arbitretur: quos tamen si prudenter aestimemus, nihil eos nisi apprime verum rectumque docuisse iudicabimus. Eorum porro sententia haec summatim est. Tantum scilicet inter sacerdotem et quemlibet probum virum intercedere debet discriminis, quantum inter caelum et terram: ob eamque causam, virtuti sacerdotali cavendum non solum ne gravioribus criminibus sit affinis, sed ne minimis quidem. In quo virorum tam venerabilium iudicio Tridentina Synodus stetit, quum monuit clericos ut fugerent *levia etiam delicta, quae in ipsis maxima essent:*[18] maxima scilicet, non re ipsa, sed respectu peccantis, in quem, potiore iure quam in templorum aedificia, illud convenit: *Domum tuam decet sanctitudo.*[19]

Iam sanctitas eiusmodi, qua sacerdotem carere sit nefas, videndum est inquo sit ponenda: id enim siquis ignoret vel

[17] Coloss. 1: 28.

[18] Sess. XXII, *de reform.*, c. 1.

[19] Ps. 92: 5.

praepostere accipiat, magno certe in discrimine versatur. Equidem sunt qui putent, quin etiam profiteantur, sacerdotis laudem in eo collocandam omnino esse ut sese aliorum utilitatibus totum impendat: quamobrem, dimissa fere illarum cura virtutum, quibus homo perficitur ipse (eas ideo vocitant *passivas*), aiunt vim omnem atque studium esse conferenda ut *activis* virtutes quis excolat exerceatque. Haec sane doctrina mirum quantum fallaciae habet atque exitii. De ea Decessor noster fel. rec. sic pro sua sapientia edixit:[20] "Christianas.. virtutes, alias temporibus aliis accomodatas esse, is solum velit, qui Apostoli verba non meminerit: *Quos praescivit, et praedestinavit conformes fieri imaginis Filii sui.*[21] Magister et exemplar sanctitatis omnis Christus est; ad cuius regulam aptari omnes necesse est, quotquot avent beatorum sedibus inseri. Iamvero haud mutatur Christus progredientibus saeculis, sed idem *heri et hodie: ipse et in saecula.*[22] Ad omnium igitur aetatum homines pertinet illud: *Discite a me, quia mitis sum, et humilis corde;*[23] nulloque non tempore Christus se nobis exhibet *factum obedientem usque ad mortem;*[24] valetque quavis aetate Apostoli sententia: *Qui..sunt Christi, carnem suam crucifixerunt cum vitiis et concupiscentiis.*"[25]—Quae documenta si quidem spectant unumquemque fidelium, proprius tamen ad sacerdotes attinent: ipsique prae ceteris dicta sibi habeant quae idem Decessor Noster apostolico ardore subiecit: "Quas utinam virtutes multo nunc plures sic colerent, ut homines sanctissimi praeteritorum temporum! qui demissione animi, obedientia, abstinentia, *potentes* fuerunt *opere et sermone,* emolumento maximo, nedum religiosae rei, sed publicae ac civilis." Ubi animadvertere non abs re fuerit, Pontificem prudentissimum iure optimo singularem abstinentiae mentionem intulisse, quam evangelico verbo dicimus, abnegationem sui. Quippe hoc praesertim capite, dilecti filii, robur et virtus et fructus omnis sacerdotalis muneris conti-

[20] Ep. *Testem benevolentiae,* ad Archiep. Baltimor., 22 Ian. 1899.

[21] Rom. 8: 29. [22] Hebr. 13: 8. [23] Math. 11: 29.

[24] Philipp. n. 8. [25] Gal. 5: 24.

netur: hoc neglecto, exoritur quidquid in moribus sacerdotis possit oculos animosque fidelium offendere. Nam si turpis lucri gratia quis agat, si negotiis saeculi se involvat, si primos appetat accubitus ceterosque despiciat, si carni et sanguini acquiescat, si quaerat hominibus placere, si fidat persuasibilibus humanae sapientiae verbis; haec omnia inde fluunt, quod Christi mandatum negligit conditionemque respuit ab ipso latam: *Si quis vult post me venire, abneget semetipsum.*[26]

Ista Nos quum adeo inculcamus, illud nihilo minus sacerdotem admonemus, non sibi demum soli vivendum sancte: ipse enimvero est operarius, quem Christus *exiit..conducere in vineam suam.*[27] Eius igitur est fallaces herbas evellere, serere utiles, irrigare, tueri ne inimicus homo superseminet zizania. Cavendum propterea sacerdoti ne, inconsulto quodam intimae perfectionis studio adductus, quidquam praetereat de muneris partibus quae in aliorum bonum conducant. Cuiusmodi sunt verbum Dei nuntiare, confessiones rite excipere, adesse infirmis praesertim morituris, ignaros fidei erudire, solari moerentes, reducere errantes, usquequaque imitari Christum: *Qui pertransiit benefaciendo et sanando omnes oppressos a diabolo.*[28] Inter haec vero insigne Pauli monitum sit menti defixum: *Neque qui plantat est aliquid, neque qui rigat: sed, qui incrementum dat, Deus.*[29] Liceat quidem euntes et flentes mittere semina: liceat ea labore multo fovere: sed ut germinent edantque optatos fructus, id nempe unius Dei est eiusque praepotentis auxilii. Hoc accedit magnopere considerandum, nihil praeterea esse homines nisi instrumenta, quibus ad animorum salutem utitur Deus; ea oportere idcirco ut apta sint quae a Deo tractentur. Qua sane ratione? Num ulla putamus vel insita vel parta studio praestantia moveri Deum ut opem adhibeat nostram ad suae gloriae amplitudinem? Nequaquam: scriptum est enim: *Quae stulta sunt mundi elegit Deus, ut confundat sapientes: et infirma mundi elegit Deus, ut confundat fortia: et ignobilia*

[26] Matth. 16: 24.
[27] Matth. 20: 1.
[28] Act. 10: 38.
[29] I Cor. 3: 7.

mundi, et contemptibilia elegit Deus, et ea quae non sunt, ut ea quae sunt destrueret.[30] Unum nimirum est quod hominem cum Deo coniungat, unum quod gratum efficiat, atque non indignum eius misericordiae administrum: vitae morumque sanctimonia. Haec, quae demum est supereminens Iesu Christi scientia, sacerdoti si desit, desunt ei omnia. Nam, ab ea disiunctae, ipsa exquisitae doctrinae copia (quam Nosmetipsi nitimur in clero provehere), ipsaque agendi dexteritas et sollertia, etiamsi emolumenti aliquid vel Ecclesiae vel singulis afferre possint, non raro tamen detrimenti iisdem sunt flebilis causa. Sanctimonia vero qui ornetur et affluat, is quam multa possit, vel infimus, mirifice salutaria in populo Dei aggredi et perficere, complura ex omni aetate testimonia loquuntur: praeclare, non remota memoria, Ioannes Bapt. Vianney, animarum in exemplum curator, cui honores Caelitum Baetorum Nosmet decrevisse laetamur.—Sanctitas una nos efficit, quales vocatio divina exposcit: homines videlicet mundo crucifixos, et quibus mundus ipse sit crucifixus; homines in novitate vitae ambulantes, qui, ut Paulus monet,[31] *in laboribus, in vigiliis, in ieiuniis, in castitate, in scientia, in longanimitate, in suavitate, in Spiritu Sancto, in charitate non ficta, in verbo veritatis* seipsos exhibeant ut ministros Dei; qui unice in caelestia tendant, et alios eodem adducere omni ope contendant.

Quoniam vero, ut nemo unus ignorat, vitae sanctitas eatenus fructus est voluntatis nostrae, quoad haec gratiae subsidio roboretur a Deo, abunde nobis Deus ipse providit, ne gratiae munere, si velimus, ullo tempore careamus; idque in primis assequimur studio precandi.—Sane precationem inter et sanctimoniam is necessario intercedit usus, ut altera esse sine altera nullo modo possit. Quocirca consentanea omnino veritati est ea sententia Chrysostomi: *Arbitror cunctis esse manifestum, quod simpliciter impossibile sit absque precationis praesidio cum virtute degere:*[32] acuteque Augustinus conclusit: *Vere novit recte vivere, qui recte novit orare.*[33] Quae nobis docu-

[30] I Cor. 1: 27, 28.

[31] II Cor. 6: 5 *et seq.*

[32] De precatione, orat. 1.

[33] Hom. IV ex 50.

menta Christus ipse et crebra hortatione et maxime exemplo suo firmius persuasit. Nempe orandi causa vel in deserta secedebat, vel montes subibat solus: noctes solidas totus in eo exigebat; templum frequenter adibat; quin etiam, stipantibus turbis, ipse erectis in caelum oculis palam orabat; denique suffixus cruci, medios inter mortis dolores, cum clamore valido et lacrimis supplicavit Patri.—Hoc igitur certum ratumque habeamus, sacerdotem, ut gradum officiumque digne sustineat suum, precandi studio eximie deditum esse oportere. Saepius quidem dolendum quod ipse ex consuetudine potius id faciat quam ex animi ardore; qui statis horis oscitanter psallat vel pauculas interserat preces, nec deinde ullam de die partem memor tribuat alloquendo Deo, pie sursum adspirans. Sed enim sacerdos multo impensius ceteris paruisse debet Christi praecepto: *Oportet semper orare;*[34] cui inhaerens Paulus tantopere suadebat: *Oratione instate, vigilantes in ea in gratiarum actione;*[35] *Sine intermissione orate.*[36] Animo quippe sanctimoniae propriae aeque ac salutis alienae cupido quam multae per diem sese dant occasiones ut in Deum feratur! Angores intimi, tentationum vis ac pertinacia, virtutum inopia, remissio ac sterilitas operum, offensiones et negligentiae creberrimae, timor demum ad iudicia divina: haec omnia valde incitant ut ploremus coram Domino, ac, praeter impetratam opem, bonis ad ipsum meritis facile ditescamus. Neque nostra tantummodo ploremus causa oportet. In ea, quae latius ubique funditur, scelerum colluvione, nobis vel maxime imploranda exorandaque est divina clementia; nobis instandum apud Christum, sub mirabili Sacramento omnis gratiae benignissime prodigum: *Parce, Domine, parce populo tuo.*

Illud in hac parte caput est, ut aeternarum rerum meditationi certum aliquod spatium quotidie concedatur. Nemo est sacerdos qui possit hoc sine gravi incuriae nota et animae detrimento praetermittere. Ad Eugenium III, sibi quondam alumnum, tunc vero romanum Pontificem, Bernardus Abbas

[34] Luc. 18: 1. [35] Coloss. 4: 2. [36] I Thess. 5: 17.

sanctissimus scribens, eum libere obnixeque admonebat, ne unquam a quotidiana divinorum meditatione vacaret, nulla admissa excusatione curarum, quas multas et maximas supremus habet apostolatus. Id autem se iure exposcere contendebat, utilitates eiusdem exercitationis ita enumerans prudentissime: *Fontem suum, id est mentem de qua oritur, purificat consideratio. Deinde regit affectus, dirigit actus, corrigit excessus, componit mores, vitam honestat et ordinat; postremo divinarum pariter et humanarum rerum scientiam confert. Haec est quae confusa disterminat, hiantia cogit, sparsa colligit, secreta rimatur, vera vestigat, verisimilia examinat, ficta et fucata explorat. Haec est quae agenda praeordinat, acta recogitat, ut nihil in mente resideat aut incorrectum aut correctione egens. Haec est quae in prosperis adversa praesentit, in adversis quasi non sentit; quorum alterum fortitudinis, alterum prudentiae est.*[37] Quae quidem magnarum utilitatum summa, quas meditatio parere est nata, nos item docet atque admonet, quam sit illa, non modo in omnem partem salutaris, sed admodum necessaria.

Quamvis enim varia sacerdotii munia augusta sint et plena venerationis, usu tamen frequentiore fit ut ipsa tractantes non ea plane qua par est religione perpendant. Hinc, sensim defervescente animo, facilis gressus ad socordiam, atque adeo ad fastidium rerum sacerrimarum. Accedit, quod sacerdotem quotidiana consuetudine versari necesse sit quasi *in medio nationis pravae;* ut saepe, in pastoralis ipsa charitatis perfunctione, sit sibi pertimescendum ne lateant inferni anguis insidiae. Quid, quod tam est proclive, de mundano pulvere etiam religiosa corda sordescere? Apparet igitur quae et quanta urgeat necessitas ad aeternorum contemplationem quotidie redeundi, ut adversus illecebras mens et voluntas, renovato subinde robore, obfirmentur. — Praeterea expedit sacerdoti quadam instrui facilitate assurgendi nitendique in caelestia; qui caelestia sapere, eloqui, suadere omnino debet; qui sic debet vitam suam omnem supra humana instituere,

[37] *De Consid.* L. I, c. 7.

ut, quidquid pro sacro munere agit, secundum Deum agat, instinctu ductuque fidei. Iamvero hunc animi habitum, hanc veluti nativam cum Deo coniunctionem efficit maxime ac tuetur quotidianae meditationis praesidium; id quod prudenti cuique tam perspicuum est, ut nihil opus sit longius persequi. —Quarum rerum confirmationem petere licet, sane tristem, ex eorum vita sacerdotum, qui divinorum meditationem vel parvi pendunt vel plane fastidiunt. Videas enim homines, in quibus *sensus Christi*, illud tam praestabile bonum, oblanguit; totos ad terrena conversos, vana consectantes, leviora effutientes; sacrosancta obeuntes remisse, gelide, fortasse indigne. Iampridem ipsi, unctionis sacerdotalis recenti charismate perfusi, diligenter parabant ad psallendum animam, ne perinde essent ac qui tentant Deum; opportuna quaerebant tempora locaque a strepitu remotiora; divina scrutari sensa studebant; laudabant, gemebant, exsultabant, spiritum effundebant cum Psalte. Nunc vero, quantum mutati ab illis sunt! ... —Itemque vix quidquam in ipsis residet de alacri ea pietate quam spirabant erga divina mysteria. Quam dilecta erant olim tabernacula illa! gestiebat animus adesse in circuitu mensae Domini, et alios ad eam atque alios advocare pios. Ante sacrum quae mundities, quae preces desiderantis animae! tum in ipso agendo quanta erat reverentia, augustis caeremoniis decore suo integris; quam effusae ex praecordiis gratiae: feliciterque manabat in populum bonus odor Christi! ... — *Rememoramini*, obsecramus, dilecti filii *rememoramini ... pristinos dies*:[38] tunc nempe calebat anima, sanctae meditationis studio enutrita.

In his autem ipsis, qui *recogitare corde*[39] gravantur vel negligunt, non desunt sane qui consequentem animi sui egestatem non dissimulent, excusentque, id causae obtendentes, se totos agitationi ministerii dedidisse, in multiplicem aliorum utilitatem. Verum falluntur misere. Nec enim assueti cum Deo colloqui, quum de eo ad homines dicunt vel consilia christianae vitae impertiunt, prorsus carent divino afflatu; ut

[38] Hebr. 10: 32.

[39] Ierem. 12: 11.

evangelicum verbum videatur in ipsis fere intermortuum. Vox eorum, quantavis prudentiae vel facundiae laude clarescat, vocem minime reddit Pastoris boni, quam oves salutariter audiant: strepit enim diffluitque inanis, atque interdum damnosi fecunda exempli, non sine religionis dedecore et offensione bonorum. Nec dissimiliter fit in caeteris partibus actuosae vitae: quippe vel nullus inde solidae utilitatis proventus, vel brevis horae, consequitur, imbre deficiente caelesti, quem sane devocat uberrimum *oratio humiliantis se.*[40]—Quo loco facere quidem non possumus quin eos vehementer doleamus, qui pestiferis novitatibus abrepti, contra haec sentire non vereantur, impensamque meditando et precando operam quasi perditam arbitrentur. Proh funesta caecitas! Utinam, secum ipsi probe considerantes, aliquando cognoscerent quorsum evadat neglectus iste contemptusque orandi. Ex eo nimirum germinavit superbia et contumacia; unde nimis amari excrevere fructus, quos paternus animus et commemorare refugit et omnino resecare exoptat. Optatis annuat Deus; qui benigne devios respiciens, tanta in eos copia *spiritum gratiae et precum* effundat, ut errorem deflentes suum, male desertas vias communi cum gaudio volentes repetant, cautiores persequantur. Item ut olim Apostolo,[41] ipse Deus sit Nobis testis, quo modo eos omnes cupiamus in visceribus Iesu Christi!

Illis igitur vobisque omnibus, dilecti filii, alte insideat hortatio Nostra, quae Christi Domini est: *Videte, vigilate, et orate.*[42] Praecipue in pie meditandi studio uniuscuiusque elaboret industria: elaboret simul animi fiducia, identidem rogantis: *Domine, doce nos orare.*[43] Nec parvi quidem momenti esse nobis ad meditandum debet peculiaris quaedam causa; scilicet quam magna vis consilii virtutisque inde profluat, bene utilis ad rectam animarum curam, opus omnium perdifficile.—Cum re cohaeret, et est memoratu dignum, Sancti Caroli pastorale alloquium: "Intelligite, fratres, nil aeque ecclesiasticis omnibus viris esse necessarium ac est oratio men-

[40] Eccl. 35: 21.
[41] Philipp. 1: 8.
[42] Marc. 13: 33.
[43] Luc. 11: 1.

talis, actiones nostras omnes praecedens, concomitans et subsequens: *Psallam*, inquit propheta, *et intelligam.*[44] Si Sacramenta ministras, o frater, meditare quid facis; si Missam celebras, meditare quid offers; si psallis, meditare cui et quid loqueris; si animas regis, meditare quonam sanguine sint lavatae.[45] Quapropter recte ac iure Ecclesia nos ea davidica sensa iterare frequentes iubet: *Beatus vir, qui in lege Domini meditatur; voluntas eius permanet die ac nocte; omnia quaecumque faciet semper prosperabantur.*—Ad haec, unum denique instar omnium sit nobile incitamentum. Sacerdos enim, si *alter Christus* vocatur et est communicatione potestatis, nonne talis omnino et fieri et haberi debeat etiam imitatione factorum? . . . *Summum igitur studium nostrum sit in vita Iesu Christi meditari.*[46]

Cum divinarum rerum quotidiana consideratione magni refert ut sacerdos piorum librorum lectionem, eorum in primis qui divinitus inspirati sunt, coniungat assiduus. Sic Paulus mandabat Timotheo: *Attende lectioni.*[47] Sic Hieronymus, Nepotianum de vita sacerdotali instituens, id inculcabat: *Nunquam de manibus tuis sacra lectio deponatur:* cuius rei hanc subtexebat causam: *Disce quod doceas: obtine eum, qui secundum doctrinam est, fidelem sermonem, ut possis exhortari in doctrina sana, et contradicentes revincere.* Quantum enimvero proficiunt sacerdotes qui constanti hoc praestant assuetudine; ut sapide praedicant Christum utque mentes animosque audientium, potius quam emollian et mulceant, ad meliora impellunt, ad superna erigunt desideria!—Sed alia quoque de causa, atque ea in rem vestram, dilecti filii, frugifera, praeceptio valet eiusdem Hieronymi: *Semper in manu tua sacra sit lectio.*[48] Quis enim nesciat maximam esse in amici animum vim cuiuspiam amici qui candide moneat, consilio iuvet, carpat, excitet, ab errore avocet? *Beatus, qui invenit amicum verum*[49] . . . *qui autem invenit illum, invenit thesaurum.*[50]

[44] Ps. 100: 2. [45] Ex orationib. ad clerum. [46] De imit. Chr. 1: 1.
[47] I Tim. 4: 13. [48] Ep. 58 ad Paulinum, n. 6. [49] Eccl. 25: 12.
[50] *Ib.*, 6: 14.

Iamvero amicos vere fideles adscribere ipsis nobis pios libros debemus. De nostris quippe officiis ac de praescriptis legitimae disciplinae graviter commonefaciunt; repressas in animo caelestes voces suscitant; desidiam propositorum castigant; dolosam obturbant tranquillitatem; minus probabiles affectiones, dissimulatas, coarguunt; pericula detegunt, saepenumero incautis patentia. Haec autem omnia sic illi tacita cum benevolentia praestant, ut se nobis non modo amicos praebeant, sed amicorum perquam optimos praebeant. Siquidem habemus, quum libeat, quasi lateri adhaerentes, intimis necessitatibus nulla non hora promptos; quorum vox nunquam est acerba, consilium nunquam cupidum, sermo nunquam timidus aut mendax.—Librorum piorum saluberrimam efficacitatem multa quidem eaque insignia declarant exempla; at exemplum profecto eminet Augustini, cuius promerita in Ecclesiam amplissima inde auspicium duxerunt: *Tolle, lege; tolle, lege... Arripui* (epistolas Pauli apostoli), *aperui et legi in silentio... Quasi luce securitatis infusa cordi meo, omnis dubitationis tenebrae diffugerunt.*[51] Sed contra heu! saepius accidit nostra aetate, ut homines e clero tenebris dubitationis sensim offundantur et saeculi obliqua sectentur, eo praesertim quod piis divinisque libris longe alios omne genus atque ephemeridum turbam praeoptent, ea quidem scatentia errore blando ac lue. Vobis, dilecti filii, cavete: adultae provectaeque aetati ne fidite, neve sinite spe fraudulenta illudi, ita vos posse aptius communi bono prospicere. Certi custodiantur fines, tum quos Ecclesiae leges praestituant, tum quos prudentia cernat et charitas sui: nam venena istaec semel quis animo imbiberit, concepti exitii perraro quidem effugiet damna.

Porro emolumenta, tum a sacra lectione, tum ex ipsa meditatione caelestium quaesita, futura certe sunt sacerdoti uberiora, si argumenti quidpiam accesserit, unde ipsemet dignoscat an lecta et meditata religiose studeat in usu vitae perficere. Est apposite ad rem egregium quoddam documentum Chrysostomi, sacerdoti praesertim exhibitum. Quotidie sub

[51] Conf. l. VIII, c. 12.

noctem, antequam somnus obrepat, *excita iudicium conscientiae tuae, ab ipsa rationem exige, et quae interdiu mala cepisti consilia . . . fodica et dilania, et de eis poenam sume.*[52] Quam rectum id sit ac fructuosum christianae virtuti, prudentiores pietatis magistri luculenter evincunt, optimis quidem monitis et hortamentis. Praeclarum illud referre placet e disciplina Sancti Bernardi: *Integritatis tuae curiosus explorator, vitam tuam in quotidiana discussione examina. Attende diligenter quantum proficias, vel quantum deficias . . . Stude cognoscere te . . . Pone omnes transgressiones tuas ante oculos tuos. Statue te ante te, tamquam ante alium; et sic te ipsum plange.*[53]

Etiam in hac parte probrosum vere sit, si Christi dictum eveniat: *Filii huius saeculi prudentiores filiis lucis!*[54] Videre licet quanta illi sedulitate sua negotia procurent: quam saepe data et accepta conferant; quam accurate restricteque rationes subducant; iacturas factas ut doleant, seque ipsi acrius excitent ad sarciendas. Nos vero, quibus fortasse ardet animus ad aucupandos honores, ad rem familiarem augendam, ad captandam praesidio scientiae praedicationem unice et gloriam; negotium maximum idemque perarduum, sanctimoniae videlicet adeptionem, languentes, fastidiosi tractamus. Nam vix interdum apud nos colligimus et exploramus animum; qui propterea paene silvescit, non secus ac vinea pigri, de qua scriptum: *Per agrum hominis pigri transivi, et per vineam viri stulti: et ecce totum repleverant urticae, et operuerunt superficiem eius spinae, et maceria lapidum destructa erat.*[55]—Ingravescit res, crebrescentibus circum exemplis pravis, sacerdotali ipsi virtuti haud minime infestis; ut opus sit vigilantius quotidie incedere ac vehementius obniti. Iam experiendo cognitum est, qui frequentem in se censuram et severam de cogitatis, de dictis, de factis peragat, eum plus valere animo: simul ad odium et fugam mali, simul ad studium et ardorem boni. Neque minus experiendo compertum, quae incommoda

[52] Exposit. in Ps. 4: n. 8.

[53] Meditationes piissimae, c. V., *de quotid. sui ipsius exam.*

[54] Luc. 16: 8. [55] Prov. 24: 30, 31.

et damna fere accidant declinanti tribunal illud, ubi sedeat iudicans iustitia, stet rea et ipsum accusans conscientia. In ipso frustra quidem desideres eam agendi circumspectionem, quae adeo in christiano homine probatur, de minoribus quoque noxis vitandis; eamque verecundiam animi, maxime sacerdotis propriam, ad omnem vel levissimam in Deum offensam expavescentis. Quin immo indiligentia atque neglectus sui nonnunquam eo deterius procedit, ut ipsum negligant poenitentiae sacramentum: quo nihil sane opportunius infirmitati humanae suppeditavit Christus insigni miseratione.—Diffitendum certe non est, acerbeque est deplorandum, non ita raro contingere, ut qui alios a peccando fulminea sacri eloquii vi deterret, nihil tale metuat sibi culpisque obcallescat; qui alios hortatur et incitat ut labes animi ne morentur debita religione detergere, id ipse tam ignave faciat atque etiam diuturno mensium spatio cunctetur; qui aliorum vulneribus oleum et vinum salutare novit infundere, saucius ipse secus viam iaceat, nec medicam fratris manum, eamque fere proximam, providus sibi requirat. Heu quae passim consecuta sunt hodieque consequuntur, prorus indigna coram Deo et Ecclesia, perniciosa christianae multitudini, indecora sacerdotali ordini!

Haec Nos, dilecti filii, pro conscientiae officio quum reputamus, oppletur animus aegritudine, et vox cum gemitu erumpit; Vae sacerdoti, qui suum tenere locum nesciat, et nomen Dei sancti, cui esse sanctus debet, infideliter polluat! Optimorum corruptio, teterrimum: *Grandis dignitas sacerdotum, sed grandis ruina eorum, si peccant; laetemur ad ascensum, sed timeamus ad lapsum: non est tanti gaudii excelsa tenuisse, quanti moeroris de sublimioribus corruisse!* [56] Vae igitur sacerdoti, qui, immemor sui, precandi studium deserit; qui piarum lectionum pabulum respuit; qui ad se ipse nunquam regreditur ut accusantis conscientiae exaudiat voces! Neque crudescentia animi vulnera, neque Ecclesiae matris ploratus movebunt miserum, donec eae feriant terribiles minae: *Excaeca cor populi huius, et aures eius aggrava: et oculos eius*

[56] S. Hieron. in Ezech. 1, 13: c. 44, v. 30.

claude: ne forte videat oculis suis, et auribus suis audiat, et corde suo intelligat, et convertatur, et sanem eum.[57]—Triste omen ab unoquoque vestrum, dilecti filii, avertat dives in misericordia Deus; ipse qui Nostrum intuetur cor, nulla prorsus in quemquam amaritudine affectum, sed omni pastoris et patris charitate in omnes permotum: *Quae est enim nostra spes, aut gaudium, aut corona gloriae? nonne vos ante Dominum Nostrum Iesum Christum?* [58]

At videtis ipsi, quotquot ubique estis, quaenam in tempora, arcano Dei consilio, Ecclesia inciderit. Videte pariter et meditamini quam sanctum officium vos teneat, ut a qua tanto dignitatis honore donati estis, eidem contendatis adesse et succurrere laboranti. Itaque in clero, si unquam alias, nunc opus maxime est virtute non mediocri; in exemplum integra, experrecta, operosa, paratissima demum facere pro Christo et pati fortia. Neque aliud quidquam est quod cupidiore Nos animo precemur et optemus vobis, singulis et universis.—In vobis igitur intemerato semper honore floreat castimonia, nostri ordinis lectissimum ornamentum; cuius nitore sacerdos, ut adsimilis efficitur angelis, sic in christiana plebe venerabilior praestat sanctisque fructibus fecundior. — Vigeat perpetuis auctibus reverentia et obedientia, iis sollemni ritu promissa, quos divinus Spiritus rectores constituit Ecclesiae: praecipue in obsequio huic Sedi Apostolicae iustissime debito mentes animique arctioribus quotidie fidelitatis nexibus devinciantur. —Excellatque in omnibus charitas, nullo modo quaerens quae sua sunt: ut, stimulis qui humanitus urgent invidae contentionis cupidaeve ambitionis cohibitis, vestra omnium studia ad incrementa divinae gloriae fraterna aemulatione conspirent. Vestrae beneficia charitatis *multitudo magna languentium, caecorum, claudorum, aridorum,* quam miserrima, expectat; vel maxime expectant densi adolescentum greges, civitatis et religionis spes carissima, fallaciis undique cincti et corruptelis. Studete alacres, non modo sacra catechesi impertienda, quod rursus enixiusque commendamus, sed, omni quacumque liceat

[57] Is. 6: 10. [58] I Thess. 2: 19.

ope consilii et sollertiae, bene optimeque mereri de omnibus. Sublevando, tutando, medendo, pacificando, hoc demum velitis ac propemodum sitiatis, lucrari vel obstringere animas Christo. Ab inimicis eius heu quam impigre, quam laboriose, quam non trepide agitur, instatur, exitio animarum immenso!—Ob hanc potissime charitatis laudem Ecclesia catholica gaudet et gloriatur in clero suo, christianam pacem evangelizante, salutem atque humanitatem afferente, ad gentes usque barbaras: ubi ex magnis eius laboribus, profuso nonnunquam sanguine consecratis, Christi regnum latius in dies profertur, et fides sancta enitet novis palmis augustior.—Quod si, dilecti filii, effusae charitatis vestrae officiis simultas, convicium, calumnia, ut persaepe fit, responderit, nolite ideo tristitiae succumbere, *nolite deficere bene facientes.*[59] Ante oculos obversentur illorum agmina, numero meritisque insignia, qui per Apostolorum exempla, in contumeliis pro Christi nomine asperrimis, *ibant gaudentes, maledicti benedicebant.* Nempe filii sumus fratresque Sanctorum, quorum nomina splendent in libro vitae, quorum laudes nuntiat Ecclesia: *Non inferamus crimen gloriae nostrae!*[60]

Instaurato et aucto in ordinibus cleri spiritu gratiae sacerdotalis, multo quidem efficacius valebunt Nostra. Deo adspirante, proposita ad caetera, quaecumque late sunt, instauranda. — Quapropter ad ea quae supra exposuimus, certa quaedam adiicere visum est, tamquam subsidia eidem gratiae custodiendae et alendae opportuna. Est primum, quod nemini sane non cognitum et probatum, sed non item omnibus re ipsa exploratum est, pius animae recessus ad Exercitia, quae vocant, spiritualia; annuus, si fieri possit, vel apud se singulatim, vel potius una cum aliis, unde largior esse fructus consuevit; salvis Episcoporum praescriptis. Huius instituti utilitates iam Ipsi satis laudavimus, quum nonnulla in eodem genere ad cleri romani disciplinam pertinentia ediximus.[61]— Nec minus deinde proficiet animis, si consimilis recessus, ad

[59] II Thess. 3: 13. [60] I Mach. 9: 10.

[61] Ep. *Experiendo* ad Card. in Urbe Vicarium, 27 Decembris, 1904.

paucas horas, menstruus, vel privatim vel communiter habeatur: quem morem libentes videmus pluribus iam locis inductum, ipsis Episcopis faventibus, atque interdum praesidentibus coetui.—Aliud praeterea cordi est commendare: adstrictiorem quamdam sacerdotum, ut fratres addecet, inter se coniunctionem, quam episcopalis auctoritas firmet ac moderetur. Id sane commendabile, quod in societatem coalescant ad mutuam opem in adversis parandam, ad nominis et munerum integritatem contra hostiles actus tuendam, ad alias istiusmodi causas. At pluris profecto interest, consociationem eos inire ad facultatem doctrinae sacrae excolendam, in primisque ad sanctum vocationis propositum impensiore cura retinendum, ad animarum provehendas rationes, consiliis viribusque colatis. Testantur Ecclesiae annales, quibus temporibus sacerdotes passim in communem quamdam vitam conveniebant, quam bonis fructibus id genus societas abundarit. Tale aliquid quidni in hanc ipsam aetatem, congruenter quidem locis et muniis, revocari queat? Pristini etiam fructus, in gaudium Ecclesiae, nonne sint recte sperandi?—Nec vero desunt instituti similis societates, sacrorum Antistitum comprobatione auctae; eo utiliores, quo quis maturius, sub ipsa sacerdotii initia, amplectatur. Nosmetipsi unam quamdam, bene aptam experti, fovimus in episcopali munere, eamdem etiamnum aliasque singulari benevolentia prosequimur.—Ista sacerdotalis gratiae adiumenta, eaque item quae vigil Episcoporum prudentia pro rerum opportunitate suggerat, vos, dilecti filii, sic aestimate, sic adhibete, ut magis in dies magisque *digne ambuletis vocatione qua vocatis estis*,[62] ministerium vestrum honorificantes, et perficientes in vobis Dei voluntatem, quae nempe est *sanctificatio vestra.*

Huc enimvero feruntur praecipuae cogitationes curaeque Nostrae: propterea sublatis in caelum oculis, supplices Christi Domini voces super universum clerum frequenter iteramus: *Pater sancte... sanctifica eos.*[63] In qua pietate laetamur permultos ex omni fidelium ordine Nobiscum comprecantes ha-

[62] Ephes. 4: 1.

[63] Ioan. 17: 11, 17.

bere, de communi vestro et Ecclesiae bono vehementer sollicitos: quin etiam iucundum accidit, haud paucas esse generosioris virtutis animas, non solum in sacratis septis, sed in media ipsa saeculi consuetudine, quae ob eamdem causam sese victimas Deo votivas non intermissa contentione exhibeant. Puras eximiasque eorum preces in odorem suavitatis summus Deus accipiat, neque humillimas abnuat preces Nostras. Faveat, exoramus, clemens idem et providus: atque e sanctissimo dilecti Filii sui Corde divitias gratiae, caritatis, virtutis omnis universum in clerum largiatur.—Postremo, libet gratam ex animo vicem referre vobis, dilecti filii, de votis faustitatis quae, appetente sacerdotii Nostri natali quinquagesimo, multiplici pietate obtulistis: votaque pro vobis Nostra, quo cumulatius eveniant, magnae Virgini Matri concredita volumus, Apostolorum Reginae. Haec etenim illas sacri ordinis felices primitias exemplo suo edocuit quemadmodum perseverarent unanimes in oratione, donec induerentur superna virtute: eamdemque ipsis virtutem multo sane ampliorem sua deprecatione impetravit, consilio auxit et communivit, ad fertilitatem laborum laetissimam.—Optamus interea, dilecti filii, ut pax Christi exultet in cordibus vestris cum gaudio Spiritus Sancti; auspice Apostolica Benedictione, quam vobis omnibus peramanti voluntate impertimus.

Datum Romae, apud Sanctum Petrum, die 4 Augusti anno 1908, Pontificatus Nostri ineunte sexto.

PIUS PP. X.

II.

PIUS X EPISCOPOS LOMBARDIAE LAUDAT CONCILIO PROVINCIALI ADUNATOS, QUIA STUDIOSE PRAESCRIPTIS A S. SEDE OBTEMPERAVERINT.

PIUS PP. X.

Dilecte Fili Noster et Venerabiles Fratres, salutem et Apostolicam Benedictionem.

Ex communibus litteris, quas anno peracto coetu misistis nuper, ut de rebus inter vos consultis faceretis Nos certiores, simulque Nobis hac celebritate sacerdotii Nostri gratulare-

mini, ea cognovimus quae nunquam nobis dubia fuerunt, vos et pastoralis officii diligentissimos esse, et Successori beati Petri in primis deditos. Sed tamen intelligitis, ea eis Nos litteris non mediocrem cepisse fructum gaudii; quum praesertim legeremus, quod ad rite ordinandam sacrae iuventutis disciplinam attinet, egregium virum, quem super hoc negotio ad vos legavimus, admodum se vobis probasse et quae attulit praescripta Nostra, studiose iis vos obtemperasse; quod autem ad integram conservandam fidem populi, vigilanter vos erroribus novis itinera intercipere. Nostris enim de hac utraque causa quantum laboremus. Ceterum, studii atque operare, quam vos in illud propositum sanctae rerum omnium instaurationis navatis Nobis, vel oblatum, quo Concilii vestri Provincialis acta continentur. Quare pergite, ut instituistis, nihil dubitantes de singulari in vos charitate benevolentiaque Nostra, confisi autem auxilio divinae gratiae, quam vobis uberrimam precamur; et cuius auspicem, vobis, dilecte Fili Noster et Venerabiles Fratres, et Clero populoque vestro Apostolicam Benedictionem peramanter impertimus.

Datum Romae apud S. Petrum die XX Iunii MCMVIII, Pontificatus Nostri anno quinto.

PIUS PP. X.

III.

PIUS X INCONGRUUM DECLARAT USUM CORONAS IMPONERE IMAGINIBUS SS. CORDIS JESU, SED CORONA AD SIMULACRI PEDES DEPONI POTEST. INDULGENTIAE CONCEDUNTUR.

PIUS PP. X

Venerabilis Frater,

Me taedet preces tuas exaudire non posse eo quod S. Rituum Congregatione ultimus hisce diebus incongruum declaravit imaginibus divini Cordis Iesu coronas imponere, et tantum permisit, ut (si populorum pietas hoc devotionis tributum exhibere desideret) corona ad simulacri pedes deponatur: quod quidem et tu meo nomine facere poteris.

Ceterum de festis in reparationem indictis summopere gaudeo, et dum quaeque salutaria a tua praedicatione a Dom-

ino adprecor tibi facultatem concedo impartiendi Benedictionem Apostolicam cum indulgentia plenaria pro confessis et sacra communione refectis.

Fidelibus vero, qui devote triduanae praedicationi intervenerint, indulgentiam septem annorum et totidem quadragenarum, et tercentorum dierum in Domino concedo quoties in contemplatione divini Simulacri hac invocationem: "*Cœur sacré de Jésus, ranimez la foi dans le Diocèse de Nevers,*" devote recitaverint.

Auspicem vero divinae gratiae et praecipuae benevolentiae meae testem, tibi, Ven. Frater, Apostolicam Benedictionem peramenter impertio.

Ex aedibus Vaticanis, die 9 Iulii 1908.

PIUS PP. X.

IV.

Constitutio Apostolica de Romana Curia.

LEX PROPRIA SACRAE ROMANAE ROTAE ET SIGNATURAE APOSTOLICAE

TITULUS I.

SACRA ROMANA ROTA.

CAP. I.—*De constitutione Sacrae Romanae Rotae.*

CAN. 1.

§ 1. Sacra Romana Rota decem Praelatis constat a Romano Pontifice electis, qui Auditores vocantur.

§ 2. Hi sacerdotes esse debent, maturae aetatis, laurea doctorali saltem in theologia et iure canonico praediti, honestate vitae, prudentia, et iuris peritia praeclari.

§ 3. Cum aetatem septuaginta quinque annorum attigerint emeriti evadunt, et a munere iudicis cessant.

CAN. 2.

§ 1. Sacra Rota Collegium constituit, cui praesidet Decanus, qui primus est inter pares.

§ 2. Auditores post Decanum ordine sedent ratione anti-

quioris nominationis, et in pari nominatione ratione antiquioris ordinationis ad sacerdotium, et in pari nominatione et ordinatione presbyterali, ratione aetatis.

§ 3. Vacante decanatu, in officium decani ipso iure succedit qui primam sedem post decanum obtinet.

CAN. 3.

§ 1. Singuli Auditores, probante Rotali Collegio et accedente consensu Summi Pontificis, eligant sibi unum studii adiutorem, qui laurea doctorali iuris saltem canonici in publica universitate studiorum, vel facultate a Sancta Sede recognitis donatus sit, et religione vitaeque honestate praestet.

§ 2. Adiutor in suo munere explendo de mandato sui *Auditoris* agere debet, et manet in officio ad eiusdem nutum.

CAN. 4.

§ 1. Erunt insuper in Sacra Rota promotor iustitiae pro iuris et legis tutela, et defensor sacri vinculi matrimonii, professionis religiosae et sacrae ordinationis.

§ 2. Hi sacerdotes esse debent, laurea doctorali in theologia et in iure saltem canonico insigniti, maturae aetatis, et prudentia ac iuris peritia praestantes.

§ 3. Eligentur a Summo Pontifice, proponente rotali Auditorum Collegio.

CAN. 5.

§ 1. Constituentur etiam notarii, quot necessarii sunt pro actibus Sacrae Rotae rogandis, qui praeterea actuarii et cancellarii munere in sacro tribunali fungentur.

§ 2. Duo saltem ex his erunt sacerdotes: et in causis criminalibus clericorum vel religiosorum his dumtaxat reservatur notarii et actuarii munus.

§ 3. Omnes eligentur a Collegio Rotali ex concursu iuxta regulam pro ceteris Sanctae Sedis officiis datam: eorumque electio confirmanda erit a Summo Pontifice.

CAN. 6.

§ 1. Unus vel duo laici maturae aetatis et probatae vitae constituentur pro custodia sedis et aulae Sacrae Rotae, qui,

quoties necesse sit, cursorum et apparitorum officia praestabunt.

§ 2. Eligentur a Rotali Collegio cum suffragiorum numero absolute maiore.

CAN. 7.

§ 1. Singuli Sacrae Rotae Auditores, post nominationem, ante quam iudicis officium suscipiant, coram universo Collegio, adstante uno ex notariis sacri tribunalis, qui actum rogabit, iusiurandum dabunt de officio rite et fideliter implendo.

§ 2. Idem iusiurandum dabunt singuli adiutores Auditorum, et tribunalis administri coram Sacrae Rotae Decano, adstante pariter uno ex notariis.

CAN. 8.

In re criminali, in causis spiritualibus et in aliis, quando ex revelatione alicuius actus praeiudicium partibus obvenire potest, vel ab ipso tribunali secretum impositum fuit, Auditores, adiutores Auditorum et tribunalis administri tenentur ad secretum officii.

CAN. 9.

§ 1. Auditores qui secretum violaverint, aut ex culpabili negligentia vel dolo grave litigantibus detrimentum attulerint, tenentur de damnis: et ad instantiam partislaesae, vel etiam ex officio, Signaturae Apostolicae iudicio a SSmo confirmato, puniri possunt.

§ 2. Tribunalis administri et adiutores Auditorum, qui similia egerint, pariter tenentur de damnis; et ad instantiam partislaesae, aut etiam ex officio, Rotalis Collegii iudicio, pro modo damni et culpae puniri possunt.

CAN. 10.

§ 1. Declaratio fidelitatis exemplarium cum autographo a notariis fieri potest ad instantiam cuiuslibet petentis.

§ 2. Extrahere vero documenta ex archivio, illaque petentibus communicare, notarii non possunt nisi de mandato Praesidis turni, coram quo causa agitur, si ad effectum causae documentum postuletur: de mandato Decani, si aliquod documentum ob alium finem requiratur.

CAN. 11.

Sacra Rota, duabus formis ius dicit, aut per *turnos* trium Auditorum, aut videntibus omnibus, nisi aliter pro aliqua particulari causa Summus Pontifex statuerit sive ex se, sive ex consulto sacrae alicuius Congregationis.

CAN. 12.

§ 1. Turni hoc ordine procedent. Primus turnus constituitur ex tribus ultimus Auditoribus; secundus et tertius ex sex praecedentibus; quartus ex decano et duobus ultimis Auditoribus, qui denuo in turni seriem redeunt; quintus et sextus turnus ex Auditoribus sex qui praecedunt; septimus ex subdecano et decano rotali una cum ultimo Auditore, qui rursus in seriem venit; denique octavus, nonus et decimus turnus ex novem reliquis Auditoribus: et sic deinceps, servata ea vice perpetuo.

§ 2. Turni in iudicando sibi invicem succedunt iuxta ordinem temporis, quo causae delatae sunt ad Sacrae Rotae tribunal.

§ 3. Si, iudicata iam ab uno turno aliqua causa, opus sit secunda sententia, causam videt turnus qui proxime subsequitur, etsi hic aliam causam iuxta superiorem paragraphum iudicandam assumpserit. Et si opus sit tertia sententia, eodem modo turnus, qui duos praecedentes proxime subsequitur, causam videndam suscipit.

§ 4. In unoquoque turno, seu Auditorum coetu, praeses est semper Auditor cui prior locus competit.

§ 5. Si quis infirmitate aut alia iusta causa impeditus partem in iudicando in suo turno habere non possit, praevio Decani decreto, eum supplet primus Auditor liber, non proximi quidem turni, sed alterius subsequentis.

Quod si opus sit tertia rotali sententia, impeditum Auditorem supplet decimus rotalis, vel alius qui partem in tribus turnis non habet.

§ 6. Auditor ob impedimentum alterius rotalis suffectus, etsi senior, praeses turni esse non potest, quoties causa iam coepta sit, et Praeses alius constitutus.

CAN. 13.

Circa vacationes Rotale tribunal eiusque administri eadem utentur regula ac cetera Sanctae Sedis officia.

CAP. II.—*De competentia Sacrae Romanae Rotae.*

CAN. 14.

§ 1. Sacra Rota iudicat in prima instantia causas, quas sive motu proprio, sive ad instantiam partium Romanus Pontifex ad suum tribunal avocaverit, et Sacrae Rotae commiserit; easque, si opus sit, ac nisi aliter cautum sit in commissionis rescripto, iudicat quoque in secunda et in tertia instantia, ope turnorum subsequentium iuxta praescripta *can. 12.*

§ 2. Iudicat in secunda instantia, causas quae a tribunali Emi Urbis Vicarii et ab aliis Ordinariorum tribunalibus in primo gradu diiudicatae fuerint, et ad Sanctam Sedem per appellationem legitimam deferuntur. Itemque eas iudicat, si opus sit, etiam in tertia iuxta modum in *can. 12* praescriptum.

§ 3. Iudicat denique in ultima instantia causas ab Ordinariis et ab aliis quibusvis tribunalibus in secundo vel ulteriori grado iam cognitas, quae in rem iudicatam non transierint, et per legitimam appellationem ad Sanctam Sedem deferuntur.

§ 4. Videt quoque de recursibus pro restitutione in integrum a sententiis quibusvis, quae transierint in rem iudicatam et remedium invenire non possunt apud iudicem secundae instantiae iuxta titulum *De rest. in integr.;* dummodo tamen non agatur de re iudicata ex sententia Sacrae Romanae Rotae; et in his iudicat tum de forma, tum de merito.

CAN. 15.

Causae maiores, sive tales sint ratione obiecti, sive ratione personarum, excluduntur ab ambitu competentiae huius tribunalis.

CAN. 16.

Contra dispositiones Ordinariorum, quae non sint sententiae forma iudiciali latae, non datur appellatio seu recursus ad Sacram Rotam; sed eorum cognitio Sacris Congregationibus reservatur.

CAN. 17.

Defectus auctoritatis Sacrae Rotae in videndis causis, de quibus in duobus canonibus praecedentibus, est absolutus, ita ut ne obiter quidem de his cognoscere queat, et si tamen sententiam proferat, haec ipso iure sit nulla.

CAP. III.—*De modo iudicandi Sacrae Romanae Rotae.*

CAN. 18.

§ 1. Partes se ipsae possunt se sistere et iura sua dicere coram Sacra Rota.

§ 2. Si quem tamen sibi assumant advocatum, hunc eligere debent inter approbatos iuxta tit. III huius legis.

§ 3. Advocatus, aut qua consultor et adsistens, aut qua patronus, cui causa defendenda ex integro commissa maneat, a parte eligi potest: in utroque casu tradi ei debet mandatum in scriptis, quod exhibendum est tribunali, et servandum in actis.

§ 4. Advocatus ad adsistendum assumptus tenetur clientem instruere, prout et quatenus opus sit, de regulis et usu sacri tribunalis, opportuna consilia de modo agendi eidem praebere, et defensionem ac responsionem cum eo subsignare.

§ 5. Si partes per se ipsae etiam cum adsistente advocato ut in § 3, defensionem suam suscipiant, uti possunt in defensionis et responsionis scriptura vernacula lingua a sacro tribunali admissa.

§ 6. In quolibet tamen casu unica semper esse debet defensionis et responsionis scriptura, hoc est aut partis aut eius patroni: numquam vero duplex, id est utriusque.

CAN. 19.

§ 1. Cum ad Sacrae Rotae protocollum pervenerit appellatio aliqua, aut commissio iudicandi aliquam causam in forma ordinaria, appellationis libellus aut litterae commissoriae ex Decani mandato transmittuntur Auditorum turno ad quem spectat iudicium in ordine et vice sua iuxta praecedentem canonem 12; turnus autem, assumpta causa, procedit ad eius examen iuxta ordinarias iuris normas.

§ 2. Quod si commissio iudicandi facta sit, non in forma

ordinaria, sed speciali, idest videntibus quinque, vel septem, vel omnibus Auditoribus, aut dumtaxat pro voto; Sacra Rota servare in primis debet commissionis formam iuxta tenorem rescripti, et in reliquis iuxta regulas iuris communis et sibi proprias procedere.

CAN. 20.

Quoties quaestio in Sacra Rota fiat circa executionem provisoriam alicuius sententiae aut circa inhibitionem executionis, res inappellabili sententia a solo Praeside turni, ad quem iudicium causae in merito spectaret, est definienda.

CAN. 21.

Praeses turni, seu Auditorium coetus, qui tribunal constituit, per se est etiam Ponens seu Relator causae. Quod si iustam habeat rationem declinandi hoc officium, auditis ceteris turni seu coetus Auditoribus, suo decreto statuet qui vice sua Ponentis munus suscipiat.

CAN. 22.

§ 1. Si in aliqua causa opus sit instructione processus, instructio fiat iuxta receptas canonicas regulas.

§ 2. Ponens autem seu Relator non potest simul esse causae instructor, sed hoc officium a Decano debet demandari alicui Auditori alterius turni.

CAN. 23.

§ 1. Causa coram Sacra Rota introducta et instructa, actor, vel etiam conventus, si ipsius intersit, Ponentem rogabit ut diem dicat alteri parti pro contestatione litis, seu concordatione dubiorum.

§ 2. Ponens, vel eius studii adiutor, in calce libelli diem constituet. Quod in exemplari authentico alteri parti communicari statim debet.

CAN. 24.

§ 1. Si die assignata pro concordatione dubiorum pars in ius vocata non compareat, et legitimam excusationem absentiae dare negligat, contumax declarabitur, et dubiorum formula ac dies propositionis causae ad postulationem partis praesentis et

diligentis ex officio statuetur: idque statim ex officio notum fiet alteri parti, ut, si velit, excipere possit contra dubiorum formulam, et a contumacia se purgare, constituto ad hoc a Ponente vel eius studii Adiutore congruo temporis termino.

§ 2. Si partes praesentes sint, et conveniant in formula dubii atque in die propositionis causae, et Ponens vel eius Adiutor ex parte sua nil excipiendum habeant, dabitur opportunum decretum quo id constabiliatur.

§ 3. Si vero partes non conveniant in formula dubii, aut in die propositionis causae: itemque si Ponens vel eius Adiutor censeant acceptari non posse partium conclusiones, definitio controversiae reservatur iudicio totius turni; qui quaestione incidentali discussa decretum ad rem feret.

§ 4. Dubiorum formula utcumque statuta mutari non potest nisi ad instantiam alicuius partis, vel promotoris iustitiae, vel defensoris vinculi, audita altera parte, novo Ponentis vel turni decreto, prout fuerit vel a Ponente vel a turno statuta.

§ 5. Dies eodem modo mutari potest; sed haec mutatio fieri potest etiam ex officio, si Ponens vel turnus necessarium ducant.

CAN. 25.

§ 1. Sententiae, decreta et acta quaelibet contra quae expostulatio facta sit, exhibenda sunt Sacrae Rotae saltem decem dies ante litis contestationem.

§ 2. Documenta quae partes in propriae thesis suffragium producenda habent, triginta saltem dies ante causae discussionem deponenda sunt in protocollo Sacrae Rotae, ut a iudicibus et tribunalis administris atque ab altera parte examinari possint in ipso loco protocolli, unde ea asportari non licet.

§ 3. Debent autem esse legitima forma confecta, et exhibenda sunt in forma authentica, colligata in fasciculo, cum adiecto eorum indice, ne subtrahi aut deperdi possint.

CAN. 26.

§ 1. Defensio typis est imprimenda: et triginta dies ante causae discussionem (*eodem nempe tempore ac documenta de quibus in can. praec. deponenda sunt in protocollo rotali*) dis-

tribuenda est duplici exemplari singulis iudicibus, notariis protocolli et archivii, itemque promotori iustitiae et vinculi defensori, si iudicio intersint. Commutari praeterea debet cum altera parte, aut partibus, ut responsioni locus hinc inde fiat.

§ 2. Defensioni adiungendum est Summarium, typis pariter impressum, in quo documenta potiora contineantur.

CAN. 27.

§ 1. Responsiones decem dies ante causae discussionem, idest viginti dies post distributionem defensionis, exhibendae sunt una cum novis documentis, si quae adiungenda partes habeant, servatis etiam hoc in casu regulis can. 24 et can. 25.

§ 2. Quo facto conclusum in causa reputabitur: et partibus eorumque patronis seu procuratoribus iam non licebit quidpiam adiungere aut scribere.

§ 3. Si tamen agatur de repertis novis documentis, fas semper est ea producere. Sed in eo casu pars exhibens probare tenetur se ea documenta nonnisi ad ultimum reperisse. Admissis vero his novis documentis, Ponens debet congruum tempus alteri parti concedere ut super iisdem respondere possit. Aliter nullum erit iudicium.

§ 4. In potestate autem et officio Ponentis est documenta futilia ad moras nectendas exhibita respuere.

CAN. 28.

Spatia temporum superioribus canonibus constituta prorogari possunt a iudice ad instantiam unius partis, altera prius audita, vel etiam coarctari, si ipse iudex necessarium duxerit, consentientibus tamen partibus.

CAN. 29.

§ 1. Defensionis scriptura excedere non debet viginti paginas formae typographicae ordinariae folii romani. Responsiones decem paginas.

§ 2. Si ob gravitatem, difficultatem, aut grande volumen documentorum parti vel patrono necesse sit hos limites excedere, a Ponente supplici libello id ipsi impetrabunt. Ponens

autem decreto suo statuet numerum ulteriorem paginarum quem concedit, quemque praetergredi nefas est.

§ 3. Exemplar tum defensionis tum responsionis antequam edatur exhibendum est Ponenti vel eius studii adiutori, ut imprimendi atque evulgandi facultas impetretur.

§ 4. Nulla scriptura Sacrae Rotae destinata typis edi potest, nisi in typographia a Collegio Sacrae Rotae approbata.

CAN. 30.

Quae dicuntur *informationes orales ad iudicem,* in Sacra Rota prohibentur: admittitur tamen moderata disputatio ad elucidationem dubiorum coram turno pro tribunali sedente, si alterutra vel utraque pars eam postulet, aut tribunal statuat ut eadem habeatur. In ea vero hae regulae serventur:

1°. Disputatio fiat die et hora a tribunali opportune assignanda tempore intermedio inter exhibitionem responsionis et assignatam iudicio diem.

2°. Partes regulariter non admittuntur ut per se ipsae causam suam dicant coram iudicibus; sed ad id deputare debent unum ex advocatis, quem sibi ad adsistendum, aut qua patronum vel procuratorem adsciverint. In potestate tamen tribunalis est eas rationabili de causa admittere, aut advocare et iubere ut intersint.

3°. Biduo ante disputationem partes exhibere debent Adiutori Ponentis quaestionis capita cum altera parte discutienda paucis verbis, una vel altera periodo, contenta. Eaque Adiutor partibus hinc inde communicabit, una simul cum quaesitis a turni Auditoribus praeparatis, si quae ipsi habeant, super quibus partes rogare velint.

4°. Disputatio non assumet oratorium formam; sed sub Ponentis ductu ac moderatione circumscripta erit limitibus illustrandorum dubiorum.

5°. Adsistet unus ex notariis tribunalis ad hoc ut, si aliqua pars postulet et tribunal consentiat, possit de disceptatis, confessis aut conclusis, adnotationem ad tramitem iuris ex continenti assumere.

6°. Qui in disputatione iniurias proferat, aut reverentiam

et obedientiam tribunali debitam non servet, ius ad ulterius loquendum amittit, et si agatur de procuratore vel advocata, puniri pro casus gravitate potest etiam suspensione aut privatione officii.

CAN. 31.

§ 1. Assignata iudicio die Auditores in consilium ad secretam causae discussionem convenire debent.

§ 2. Unusquisque scripto afferet conclusiones suas seu votum cum brevibus probationibus tam in facto quam in iure. Attamen in discussione fas semper est Auditoribus a conclusionibus suis recedere, si iustum et necessarium ducant. Conclusiones autem suas singuli Auditores in actis causae deponere tenentur ad rei memoriam: secretae tamen ibi servabuntur.

§ 3. Ea demum sit sententia in qua firmiter conveniant duo saltem ex Auditoribus, aut pars absolute maior praesentium, si tribunal plus quam tribus Auditoribus constituatur.

§ 4. Si ad sententiam in prima discussione devenire iudices nolint aut nequeant, differre poterunt iudicium ad primum proximum eiusdem turni conventum, quem protrahi non licet ultra ebdomadam, nisi forte vacationes tribunalis intercedant.

CAN. 32.

§ 1. Re conclusa in Auditorum consilio, Ponens super actorum fasciculo signabit partem dispositivam sententiae, idest responsiones ad dubia: quae a notario tribunalis partibus significari poterunt, nisi tribunal censuerit solutionem suam secreto servare usque ad formalis sententiae promulgationem.

§ 2. Haec intra decem dies, aut ad summum intra triginta in causis implicatioribus est peragenda; exaranda vero vel a causae Ponente vel ab alio ex Auditoribus, cui hoc munus in secreta causae discussione commissum sit.

§ 3. Eadem lingua latina est conscribenda; et rationes tam in facto quam in iure sub poena nullitatis continere debet.

§ 4. Subsignabitur a Praeside turni et ab aliis Auditoribus una cum aliquo ex notariis Sacrae Rotae.

CAN. 33.

§ 1. Si sententia rotalis confirmatoria sit alterius sententiae sive rotalis sive alius tribunalis, habetur res iudicata, contra quam nullum datur remedium nisi per querelam nullitatis, vel per petitionem restitutionis in integrum coram supremo Apostolicae Signaturae tribunali.

§ 2. Si duplex sententia conformis non habeatur, a sententia rotali ab uno turno lata datur appellatio ad turnum proxime sequentem iuxta canonem 12, intra tempus utile dierum decem ab intimatione sententiae, ad tramitem iuris communis.

CAN. 34.

§ 1. Si, introducta causa, actor renunciare velit instantiae, aut liti, aut causae actibus, id ei semper licebit. Sed renunciatio debet esse absoluta nullique conditioni subiecta, subsignata cum loco et die a renunciante, vel ab eius procuratore speciali tamen mandato munito, ab altera parte acceptata aut saltem non oppugnata, et a iudice deinde admissa.

§ 2. Renuncians tamen tenetur hisce in casibus ad omnia consectaria, quae ex his renunciationibus profluunt ad tramitem iuris communis.

[*Continuabitur.*]

E S. CONGREGATIONE RITUUM.

I.

FESTUM SEPTEM DOLORUM B. M. V., DOMINICAE III^ae^ SEPTEMBRIS AFFIXUM, AD RITUM DUPLICEM SECUNDAE CLASSIS ELEVATUR.

Urbis et Orbis.

Dolores Virginis Deiparae etsi duplici festo in universa Ecclesia per annum recolantur, videlicet Feria Sexta post Dominicam Passionis, ac Dominica tertia Septembris: utrumque tamen festum mobile Beatae Mariae Virginis utpote secundarium, sub ritu duplici tantummodo maiori celebratur. Quo vero eiusdem Virginis Perdolentis cultus augeatur, et Fidelium pietas gratique animi sensus magis magisque fo-

veantur erga misericordem humani generis Conredemptricem; R.mus Pater Prior Generalis Ordinis Servorum B. M. V. qui potissimum ipsam Matrem Dolorosam veluti suam Conditricem et praecipuam Patronam venerantur, occasionem nactus qua proxime adfuturo Septembri (mense Virginis Doloribus recolendis sacro) quinquagesimus annus ab inito Sacerdotio Sanctissimi Domini Nostri Pii Papae X feliciter completur, supplicibus votis totius Regularis Familiae Eumdem Sanctissimum Dominum nostrum rogavit, ut etiam ad perennem rei memoriam, festum Septem Dolorum B. M. V., Dominicae tertiae Septembris affixum, ad ritum duplicem saltem secundae classis pro universa Ecclesia elevare dignaretur. Sanctitas porro Sua, referente infrascripto Cardinali Sacrorum Rituum Congregationi Praefecto, eiusmodi preces peramanter excipiens, Festum Septem Dolorum B. M. V. quod enuntiatae Dominicae adsignatum fuit, in posterum sub ritu duplici secundae classis ubique recolendum decrevit: servatis Rubricis. Contrariis non obstantibus quibuscumque.

Dei 13 Maii 1908.

S. Card. CRETONI, *Praef.*

L. * S.

✠ D. PANICI, Archiep, Laodicen., *Secret.*

II.

ADDENDA ET VARIANDA IN MARTYROLOGIO ROMANO.

Tertio Idus Februarii (*11 Februarii*).

Lapurdi in Gallia, Apparitio Beatae Mariae Virginis Immaculatae.

Pridie Idus Februarii (*12 Februarii*).

In Etruria, apud montem Senarium, Sanctorum septem Fundatorum Ordinis Servorum Beatae Mariae Virginis, qui post asperrimum vitae genus, meritis et prodigiis clari, pretiosam in Domino mortem obierunt. Quos autem in vita unus verae fraternitatis spiritus sociavit et indivisa post obitum populi veneratio prosecuta est, Leo decimus tertius una pariter Sanctorum fastis accensuit.

Urbis et Orbis.

Suprascriptas variationes atque additiones Martyrologio Romano inserendas, Sanctissimus Dominus noster Pius Papa X, referente infrascripto Cardinali Sacrorum Rituum Congregationi Praefecto, benigne approbare dignatus est. Contrariis quibuscumque non obstantibus.

Die 11 Martii 1908.

S. Card. CRETONI, *Praef.*

L. * S.

✠ D. PANICI, Archiep. Laodicen., *Secret.*

E S. CONGREGATIONE DE PROPAGANDA FIDE.

INSTRUCTIO PRO NEGOTIIS RITUS ORIENTALIS.

Quum plures praelati enucleatas instructiones postulaverint circa modum quo transmitti possint Missae ad Ecclesias rituum orientalium, haec S. C., ad tramites recentiorum Decretorum, has distinctas normas proponit ab omnibus adamussim servandas:

1°. Si qui velint Missas, quarum exuberet copia, ad Ecclesias rituum orientalium mittere, hoc praestare possunt non modo per hanc S. C. uti praecipitur in Decreto *Recenti* S. C. Concilii (die 22 Maii 1907) sed etiam per Rmos Delegatos Apostolicos in regionibus orientalibus constitutos. Quo in casu necesse est significare Delegatis Apostolicis quot Missae et quae stipendiorum summa tradi debeant praelatis orientalibus intra cuiusque Delegationis ambitum existentibus.

2°. Nullatenus licet eleemosynas mittere ad viros laicos qui postea eas distribuant sacerdotibus Missas celebraturis.

3°. Neque licet celebrationem Missarum directe committere presbyteris orientalibus.

4°. Vetitum etiam est eleemosynas directe mittere ad Superiores Congregationum religiosarum orientalium.

5°. Imo neque licet Missas directe committere praelatis orientalibus qui vel sint Episcopi titulares vel simplices Vicarii Patriarchales.

6°. Si vero agatur de Antistitibus habentibus iurisdic-

tionem ordinariam episcopalem in Oriente, Missarum intentiones cum relativa eleemosyna ab episcopis et sacerdotibus ad ipsos Antistites directe mitti possunt pro necessitatibus sacerdotum dumtaxat eis subiectorum, uti declaravit S. C. Concilii die 18 Martii 1908. Ne autem, ex pluribus locis simul, multae eleemosynae confluant in unam et eamdem dioecesim (quod nimiam dilationem in Missis celebrandis secumferret); ideo qui committit eleemosynas alicui Praelato orientali, certiorem faciat de numero Missarum etiam Delegatum Apostolicum regionis [1] ad quem spectat vigilare ut Missae, ea qua par est sollicitudine, celebrentur.

Datum Romae ex aedibus S. C. de Propaganda Fide die 15ª Iulii 1908.

FR. H. M. Card. GOTTI, *Praef.*
ALOISIUS CHIESA, *Officialis.*

IN DELEGATIONE APOSTOLICA CONSTANTINOPOLITANA

Ecclesiae ritus Armeni:

Constantinopoli, Adana, Ancyra, Brussa, Cesarea, Erzerum, Sebaste et Tokat, Trebisonda.

Ecclesiae ritus Bulgarici:

Vicariatus Apostolicus Thraciae (Adrianopoli)—Vicariatus Apostolicus Macedoniae (Salonicco).

IN DELEGATIONE APOSTOLICA SYRIAE

Ecclesiae Ritus Armeni:

Aleppo, Marasc.

Ecclesiae Ritus Graeco-Melchitae:

Aleppo, Baalbek, Beyrouth, Bosra et Auran, Damasco, Homs et Hama, Paneas, Sidone, Tolemaide seu S. Giovanni d'Acri, Tiro, Tripoli, Zahle.

Ecclesiae Ritus Syriaci:

Aleppo, Beyrouth, Damasco, Homs et Hama.

Ecclesiae Ritus Syro-Maronitici:

Aleppo, Baalbek, Beyrouth, Cipro, Damasco, Gebail et Batrum, Tiro, Tripoli, Sidone.

[1] Claritatis gratia recensentur in adnexo folio singulae Ecclesiae rituum orientalium intra cuiusque Delegationis ambitum existentes.

IN DELEGATIONE APOSTOLICA MESOPOTAMIAE

Ecclesiae Ritus Armeni:

Diarbekir, Karput, Mardin, Malatia, Musc.

Ecclesiae Ritus Syriaci:

Bagdad, Diarbekir, Gezira, Mardin, Mossul.

Ecclesiae Ritus-Caldaici:

Bagdad, Diarbekir, Gezira, Mardin, Mossul, Zaku, Amadia, Akra, Kerkuk, Seerth, Salmas, Sena, Urmia.

IN DELEGATIONE APOSTOLICA AEGYPTI

Ecclesiae Ritus Armeni:

Alessandria.

Ecclesiae Ritus Cophti:

Alessandria, Hermopoli, Thebe.

IN DELEGATIONE APOSTOLICA INDIARUM

Ecclesiae Ritus Syro-Malabarici:

Vicariatus Apostolici: Ernaculam, Changanacherry, Trichur.

Studies and Conferences.

OUR ANALECTA.

The Roman documents for the month are:

PONTIFICAL ACTS. 1. Letter of exhortation to his Clergy from Pope Pius X, on the occasion of the fiftieth anniversary of his priesthood. (This Jubilee document is the subject of a special article in the present number, pp. 337-342.)

2. The Sovereign Pontiff sends a letter to the Bishops of Lombardy, assembled in Provincial Council, commending their loyalty in observing the ordinances of the Holy See.

3. The Holy Father declares that the practice of placing crowns on statues of the Sacred Heart is incongruous; it is permitted, however, to place crowns at the foot of the statue.

4. Apostolic Constitution on the Roman Curia, containing the first chapters of the laws which govern the working of the Roman Rota and the Apostolic Signatura.

S. CONGREGATION OF RITES: The Feast of the Seven Dolors B. V. M., on the third Sunday in September, is raised to a double of the second class.

2. Publishes some additions and variations of the Roman Martyrology for 11th and 12th of February.

S. CONGREGATION OF THE PROPAGATION OF THE FAITH issues a detailed instruction regarding the manner of sending Mass intentions to churches subject to Oriental Rites.

THE PARISH RIGHTS OF NEW-BORN CHILDREN.

Qu. A good number of Catholics from nearby and distant parishes take up their residence in this locality during the summer months, that is to say, usually from the end of June to the first week in September. Children born during the stay of their parents are sometimes baptized in the local church, while others are taken to the parish from which their parents come and where they still have their ordinary residence.

Will you kindly state whether the local pastor has exclusive rights in these cases, or any rights at all. RUSTICUS.

Resp. So far as there are any rights in question touching Baptism, they are on the side of the child. It is to receive the Sacrament of regeneration as soon as it can be done. The duty of administering Baptism belongs ordinarily to the pastor of the locality in which the parents have their permanent residence. But if the child happens to be born outside the limits of this locality, and the regular parish church of the parents is not easily accessible, it becomes the duty of the priest of the parish in which the child was born or in which its parents happen to stay, to administer the Sacrament. This we should maintain under the general law, even if no presumption could be established in favor of a quasi-domicile for parents who spend their summer months in a definite place. According to the Second Plenary Council of Baltimore (Tit. V, n. 227) priests are indeed forbidden to administer Baptism to children brought from another parish or diocese; but the canon adds to this prohibition the very significant clause "cum facile a proprio pastore baptizari potuissent." That is to say, the proper parish priest is the one who is to baptize; but if the parents cannot easily have the child brought to the parish church, they may and should have it baptized where they can. The question of the pastor's rights would probably turn upon the stipend paid on occasion of Baptism, since the *jura stolae* are supposed to furnish maintenance to the parish priest from the people living in his own district or parish.

Here the sense of equity would likewise indicate that the priest who administers the sacraments in summering places where people go for the space of two or three months, should be entitled to the stipend given on occasion of such administration. For he does not minister from any preference or predilection but from necessity. The parents who have taken up their summer residence in his parish could not, without much inconvenience, return to their homes, which are practically closed, even if the journey were but short. They

have actually a quasi-domicile in the summer resort where they stay, though the canonical definition of the term domicile acquired by a vacation term may be open to dispute on various grounds. It seems quite right that the priest should baptize the children brought to him, and keep the stipend offered him, instead of sending it to the pastor of the permanent residence.

AN EXCELLENT RECOMMENDATION REGARDING THE NEW MARRIAGE LAWS.

At a meeting of the Bishops of the Province of Milwaukee certain regulations and suggestions touching the new marriage laws were discussed, with the view of facilitating the observance and promulgation of the latter. The attention of the prelates was directed in an especial manner toward the possibility of lessening the growing evil of unchecked mixed marriages. The Bishops were inclined to refuse all dispensations *mixtae religionis* in future, as apparently the only method of lessening the tendency to contract such marriages, but finally agreed, before taking this extreme step, to suggest to their priests a course of action which, whilst rendering the obtaining of dispensations somewhat more difficult than heretofore, would operate beneficially in producing conversions. We publish the text of the *Instruction* which resulted from the meeting, as it has been issued by the Right Rev. Bishop Fox to the priests of the Diocese of Green Bay; but we call particular attention to paragraph 1, which we print in italics. We understand that the result has been most gratifying, and that in nine cases out of ten the non-Catholic party has embraced the Catholic faith.

1. *In future no dispensation for mixed marriages will be granted unless the non-Catholic party has taken instructions from the priest twice a week during six weeks on Catholic doctrine as well as on the sacrament of marriage in particular, and the duties connected with married life. Therefore application for a dispensation should be made only after the six weeks' instructions have been given. Casus absolutae necessitatis excipitur.*

2. According to the new law sponsalia or betrothals are to be encouraged, and these are to be in writing as expressly stated in the law. For this diocese these betrothals, if made at all, should be made at least four months before the time set for the marriage. You will find the formulas in the Commentary of which it would be well to have copies printed for future use.

3. All marriages between Catholics should be solemnized at the nuptial mass and pastors should insist on this.

4. No marriages of any kind are allowed to be performed in private houses. Mixed marriages must be performed in the pastoral residence, nor are these allowed after 6 o'clock p. m. No Catholics are allowed to act as witnesses, that is as bridesmaids or groomsmen at a marriage of any kind before a Protestant minister.

5. The banns or calls must be published on three Sundays or holidays when there is a *concursus populi,* and pastors should not be too easy in asking dispensations from them. They must be published not only in the church in which the ceremony is to be performed, but in the parish churches of both parties, in case they belong to different parishes. The priest who is to perform the ceremony is obliged to notify the pastor of the other party in due time. No fees must be asked for the publication of the banns by either priest.

For quick reference the following points, which I might designate as a kind of summary of the law, may be of some assistance to pastors.

A. Engagements.

No engagement shall be valid unless it be drawn up in writing and signed by the contracting parties and two witnesses; it is desired but not necessary, that it be signed also by the priest. If the contracting parties can not write, the fact must be noted and a third witness added. This does not mean that without such formal engagement a marriage will not be permissible, but that an engagement without these formalities will not produce the canonical effects, such as impediments and the right to legal action in the ecclesiastical courts.

B. Marriage.

I. validity.

1. No marriage will be valid which is not contracted before a

pastor or a priest delegated by a pastor or ordinary, and two witnesses. The term pastor assumes different meanings according to locality. To avoid all doubt, it is hereby provided that all priests having the faculties of this diocese in the sense and for the purpose of this law, and for this purpose only, must be considered pastors, i. e. can *validly* assist at marriages.

2. If a priest cannot be called within a month, two witnesses without a priest will suffice for a valid marriage.

II. LICITNESS.

1. The priest must ascertain that the parties are free.

2. The parties must have a domicile, i. e. must have lived at least one month, within the parish limits; otherwise permission must be obtained from their pastor.

3. "Vagi" can not be married without permission from the ordinary himself, unless there be a necessity of immediate marriage.

4. The pastor must be pastor of the bride; only a just cause excuses from this provision.

5. In case of dangerous illness, to legitimize an offspring, any priest may assist with two witnesses.

III. RECORDS.

1. The names must be entered in the Marriage Record by the parish priest or acting parish priest, even if another priest have performed the ceremony. In this diocese it is hereby made unlawful to demand a fee for this entry as well as for the entry to be mentioned in the following number. In case of a marriage given under B. I. 2, or B. II. 5, it is incumbent on the priest or the witnesses to provide for immediate entry.

2. The names must also be entered in the Baptismal Record; for this it will suffice to make a note on the margin, indicating the fact of marriage and the page where the record can be found. In this diocese henceforth no marriage will be solemnized without a document setting forth the fact of the baptism and the liberty of contracting parties from the marriage tie.

IV. FEES.

If any priest in violation of these laws has assisted at a marriage, he must remit the stole-fees to the pastor.

V. APPLICATION.

These laws bind all Catholics, even apostates, whenever one of the parties is a Catholic or apostate; however, it does not apply to marriages between non-Catholics, i. e., both parties being non-Catholics.

Please keep all these documents where you can easily refer to them.

✠ JOSEPH J. FOX, *Bishop of Green Bay.*

It may be argued, perhaps, that the provision required in paragraph 1 is too rigorous and not likely to be accepted by the non-Catholic party. That will depend almost entirely upon the manner in which the priest proposes the subject to the non-Catholic. Every person who consents to be married by a Catholic priest is *a priori* open to the following convictions:

1. Whether or not the non-Catholic party intends ultimately to accept the Catholic faith as the only true religion, it is but just and prudent that he or she should be familiar with the teachings upon which the Catholic party not only stakes his or her eternal salvation, but which regulates the conscience of that party in the fulfilment of his or her domestic duties.

2. This knowledge of the Catholic doctrine is of still greater importance to the non-Catholic father or mother in the guidance of the children with whom God may bless the marriage in future; for only by this means can the non-Catholic parent retain the confidence of the children and preserve the priceless boon of domestic peace in the family.

3. The instructions proposed by the priest are not only intended to give the non-Catholic party a knowledge of the religion which the Catholic spouse and the children are to practise, but they also include very important directions on which the future happiness of the family depends, such as the mutual obligations of the spouses, the training of the children, the duties of health, social relation, etc.

There are several manuals which a priest will find helpful in giving the pertinent instructions. But if these books are to be really serviceable it is not sufficient to put them into the

hands of the parties who intend to be married, merely to read them. The priest must prepare himself and make the proper selections of lessons and illustrations to suit the individual temper, education, and prejudices of the persons with whom he deals. It is a difficult and yet a most important office, for the proper execution of which not every person is naturally qualified. Among the serviceable booklets in this line that may be mentioned are: *Instructio Sponsorum* (Herder), *Popular Instructions on Marriage* by Girardey (Benziger), *The Catholic Father* and *The Catholic Mother* by Egger (Benziger), *Little Book of Instruction for Christian Mothers* (Pustet), *The Christian Housewife* by Wetzel (Herder), the chapter on *Married Life* in Margaret Fletcher's little book *The School of the Heart* (Longmans). Most of the last mentioned booklets deal with the woman's duties and the education of the young child, but what they contain imparts a sense of dignity to married life and can easily be used in the instructions to young couples.

It is needless to add that with the woman lies mainly the influence that obtains the happiness of the marriage. Whether she be the Catholic or the non-Catholic the priest must appeal chiefly to her. Her consistent attitude before marriage usually determines for the man who wants her as a life-partner his estimate of the religion which contains all the elements that guarantee her own worth toward him. Make it plain to the man that the fidelity, purity, devotion to the home which the Catholic religion inculcates and maintains by its precepts and doctrine contain the promise of a happy domestic relation for him as well as for her, and you have opened the way to his convictions. He will accept your proposal that he study the Catholic religion with you, and if you fail to bring him into the fold before marriage you lay at least the foundation for toleration and subsequent conversion.

BUYING THEIR ALTAR BREADS.

Qu. You would confer a favor upon a number of priests by answering the following question: Over one hundred priests of different states are buying their altar breads from an eastern religious community. This community sends the altar breads once a month, claiming the approval of their archbishop. The climate of my State—Kansas—is a dry one. May I use the above-mentioned altar breads for four weeks without changing?

Resp. Like all other facilities to further the authorized worship in our churches, that of purchasing the altar breads from those who make them in accordance with the liturgical prescriptions, is liable to unconscious misuse. The Roman Ritual (Tit. IV, c. 1, n. 7) lays down the rule that *particulae consecrandae sint recentes.* St. Charles Borromeo in the canons of the fourth Provincial Council of Milan ordains that the Sacred Species be renewed once each week, and that the new breads to be consecrated have been made within at most twenty days—" idque fiat ex hostiis non ante 20 dies ad summum confectis." P. Schober, commenting upon the opinion of St. Alphonsus (*Caerem. S. Alph.*, c. XI, n. 6 ad 10) expresses the opinion that the Hosts in the tabernacle must be consumed before they are a month old *from the time they were baked.* This is substantially the same as the prescription made by St. Charles, who allows twenty days, at the outside, for breads newly consecrated and retained in the tabernacle for eight days. Van der Stappen referring to the same subject (*De Administr. Sacram.*, q. 165) speaks of an ordinance, issued by the Cardinal Vicar of Rome, obliging those who are regularly engaged in the baking of altar breads, to take an oath before him pledging themselves never to sell altar breads which have not been baked within fifteen days of their sale.

It is obviously better to have the breads made under one's own eyes than to trust to distant vouchers. The baking is not more difficult than many other household duties.

FULMINATIO DISPENSATIONIS IN MARRIAGE CASES.

Qu. Recently I obtained from my archbishop faculties to dispense respectively from the second and third degrees of consanguinity in the case of a marriage. I informed the bridegroom that the dispensation had been obtained. On the day, however, on which the marriage was solemnized the thought that I should mention the dispensation in connexion with the nuptial rite completely escaped me. Was the fact that I had told the bridegroom about the faculties obtained sufficient *fulminatio* of the dispensation, or have I any obligation still in the matter?

Resp. The fact that the dispensation had been made a condition of the marriage contract before its performance, which was, of course, known to the parties concerned, and the further fact that the dispensation, after having been obtained, was made known to one of the parties, constitute sufficient *fulminatio.* "Licet obtineri possit insciis sponsis dispensatio, absque tamen eorum vel saltem alterutrius acceptatione non valet ejus exsecutio; excipe rariores casus quosdam dispensationis 'in radice.'" (*Mem. Juris Can.* 1567.)

FREEDOM FROM DEBT A CONDITION OF CONSECRATION OF A CHURCH.

Qu. A priest in this diocese proposes to have his church consecrated. There is considerable debt upon the parish property, including schools, residence, etc., but the church edifice itself could be declared free of debt if all the liabilities of the parish are transferred to the other buildings. May this be done *bona fide,* and is it not also required that there should be a guarantee fund to secure the maintenance of the consecrated church?

Resp. The chief object of the legislation requiring that churches permanently consecrated to the divine service be free from debt or from liability to incur debt for their maintenance, is the desire of the Church to forestall the possibility of turning such edifices to profane uses by placing them at the disposition of secular creditors. Consequently any safe guarantee securing the church building proper

against such interference as would give a creditor the right to claim its sale or its use, would suffice for its licit consecration, without requiring that the schools or other parish buildings be likewise free from debt. As for the church's maintenance, the American system of individual contributions is ordinarily deemed a source of income which pastors may rely upon so long as proper service is given in the church. The schools and other institutions of the parish might suffer, but a church edifice with a clear title of episcopal ownership is not liable to alienation for profane or secular purposes. In each case it is, of course, the bishop of the diocese who consecrates, and who must know what risks he sanctions in nominally offering a church building to the exclusive and permanent service of God.

ANOINTING IN CASE OF APPARENT DEATH.

Qu. I am told that there has been issued recently a decree making it obligatory to anoint persons who have, according to all appearances, breathed their last some hours previous to the arrival of the priest, especially if they have not received any other sacraments shortly before death.

Resp. There is no such decree. The question whether life is always really extinct in a body that shows all the ordinary symptoms of death, has been discussed in these pages. The discussion led to the practical conclusion that it is advisable, where the priest can do so without causing misapprehension or scandal, to administer Extreme Unction when persons have died suddenly and without having received the sacraments for a considerable time. The same holds good even when the symptoms of death are pronounced, and for some hours after the apparent demise. The reasons in detail for this action may be seen in the above-mentioned articles (August, 1905 to January, 1906), which were subsequently published in book form under the title of *Death Real or Apparent.*[1]

[1] B. Herder, St. Louis, Mo.

A SUGGESTION FOR THE CELEBRATION OF THANKSGIVING DAY.

A parish priest from Dakota writes to us as follows:

It has become the custom in many places to celebrate our national holidays with Solemn Mass, as we do on Sundays. This is as it should be, since it not only fosters just motives of patriotism but also affords opportunities to bring the people more frequently to the celebration of the Holy Mysteries. To the men especially it is an advantage to attend Mass on such days, and to hear a well-prepared discourse treating of the religious significance that underlies national celebrations. It may be asked what particular epistle and gospel, if any, would be appropriate reading for each of the different annual celebrations of national character. For Thanksgiving Day I usually read a gospel suggestive of gratitude which we owe to God; such as that of the ten lepers (Luke 17: 11-19). For the reading of the Epistle I take Deuteronomy, chapter 8, especially verses 7-20, which have always seemed to me singularly appropriate to the purpose. Probably other readers of the REVIEW could make similar suggestions.

SECOND VESPERS OF A TITULAR OCTAVE.

Qu. If a *duplex* or *duplex majus* follows immediately upon the octave of a titular feast, will the ordo read *II Vesp. de Tit. commemoratio de sequenti* or *a cap. de sequenti, commemoratio de praecedente?*

Resp. If a *duplex* follows the octave day of a titular feast, the Vespers are *a cap. de sequenti, commem. praecedentis.* If a *duplex majus* follows the octave of the titular feast, the Vespers are of the *duplex majus* with a commemoration of the octave day.

Ecclesiastical Library Table.

RECENT BIBLE STUDY.

The Census of Cyrinus, Luke 2: 1-5. A correspondent writes under date of 27 August, 1908: "Professor Haupt, of Johns Hopkins University, Baltimore, delivered an address before the International Historical Congress held this month in Berlin, Germany. The German historians there present took exception to many things advanced by Professor Haupt, but no one contested the following statement which causes me trouble and for which I ask information at your hands. Prof. Haupt made the statement that the assessment or enrolling which, according to the evangelist St. Luke (2: 1-5), took place in compliance with a decree of Cæsar Augustus and was executed by Cyrinus, the Governor of Syria, did not as a matter of historical fact take place, as reported by the evangelist, before the birth of Christ, but eleven years after His birth. Inasmuch as St. Luke assigns the enrolment as the chief reason for Joseph's journey to Bethlehem with Mary, the conclusion seems justified that they did not go to Bethlehem, and therefore our Lord was not born in that place, but in Nazareth."

Mr. Plummer informs us that the statement of the evangelist St. Luke as to how the birth of Christ came to take place at Bethlehem rather than at Nazareth, has produced an amount of discussion of which the world is rather weary;[1] we shall in the present paper endeavor to give our correspondent a brief synopsis of the various theories advanced in connexion with this subject.

1. It has been suggested that the evangelist in 2: 2 simply copies his source, so that the passage is merely an implied citation which bases its claim to be heard not on inspiration,

[1] *Dictionary of the Bible*, IV. 183, N. Y. 1902.

but on the veracity of its source.[2] This solution does not eliminate the enrolment, but it eliminates its connexion with Cyrinus. Though even such a writer as H. Marucchi has incorporated this view in his article on Cyrinus in the *Dictionnaire de la Bible* (II. 1190, Paris 1899), we hesitate to follow it on account of the pronouncement of the Biblical Commission concerning the admissibility of implied quotations.

2. B. Weiss knows of commentators who have doubted the genuineness of Luke 2: 2, or who change its reading Κυρηνίου into Κυιντιλίου or Κρονίου, so that in either case Cyrinus is no longer represented as directing the census in question. But few scholars are prepared to adhere to this solution.

3. The reader may be interested in some general considerations which Canon Farrar[3] addresses to those who doubt the historical accuracy of the evangelist's report concerning the Roman Census: "We may say, (1) that St. Luke, a writer of proved carefulness and accuracy, writing for Gentiles who could at once have detected and exposed an error of this kind, is very unlikely (to take the lowest grounds) to have been guilty of such carelessness. (2) That Justin Martyr, a native of Palestine, writing in the middle of the second century, three times appeals to the census-lists made by Quirinus when he was first Procurator, bidding the Romans search their own archives as to the fact,[4] as also does Tertullian.[5] (3) If St. Luke had made a mistake, it would certainly have been challenged by such able critics as Celsus and Porphyry; but they never impugn this his statement."

4. We shall find more satisfactory solutions of the difficulty by first briefly stating the historical data, whether certain or probable, concerning both the enrolment and Cyrinus. This study will suggest several probable explanations of the Biblical difficulty. We may not, at present, be able to point out the

[2] Cf. 1: 1-4.

[3] *The Cambridge Bible for Schools and Colleges.* The Gospel according to St. Luke, London, 1888.

[4] Apol. I. 34; I. 36; Dial c. Tryph. 78.

[5] Adv. Marc. IV. 7, 19.

true solution with certainty; but the Christian apologist can leave the settlement of this point to the progress of history, provided he knows that the data of the third gospel do not involve any historical impossibility.

a. The Enrolment. (1) The *inscription of Ancyra*, a document containing the testament of Augustus, mentions three enrolments of the Roman citizens, which took place in the time of Augustus, in the years 726, 746, and 767 respectively. But these are directly concerned only with Roman citizens. (2) Josephus [6] knows of another enrolment which took place in Judea; it was a partial one and happened after the deposition of Archelaus when Judea was united with the Province of Syria, in 759. (3) Moreover, the Papyri show that a census was held every fourteen years in Egypt under the Roman rule.[7] Though it is not probable from extant indications that this system of enrolling existed under the Ptolemies, it dates back in Egypt at least to A. D. 20. Professor Ramsay [8] has worked out the problem in detail so as to make the preceding facts bear on the statement in the third gospel. Keeping in mind that the Egyptian year begins on 29 August, A. D. 5-6 is one of the census-years, and Cyrinus was certainly Governor at that date. 10-9 B. C. would be the natural date for the immediately preceding census. Although this date would be too early for the Nativity of our Lord, Ramsay argues that the special circumstances of Judea under Herod's rule would account for the delay of a few years in the holding of the census, so as to advance it probably to B. C. 6. (4) Again, there are several data which lead us to suppose that Augustus ordered enrolments to be made in the whole Roman Empire. With his own hand he drew up a *Rationarium* of the Empire (a sort of Roman Doomsday Book) which was afterwards epitomized into a *Breviarium*, and which included

[6] Ant. Jud. XVII, 13, 15.

[7] Cf. Kenyon, in *Dictionary of the Bible*, Extra Volume, p. 356; New York 1904.

[8] *Was Christ Born at Bethlehem?* 1898, p. 131 ff.

the allied kingdoms.[9] We are told that this document contained information concerning various details which could not have been obtained without a census. (5) As far as Palestine is concerned, Josephus (XVII. 11, 4) alludes to an enrolment made under Herod. (6) Finally, the researches of J. B. de Rossi have established the fact that Augustus had made topographical maps and charts of the whole Roman world; the measurements preparatory for this work were finished toward the year 747, and they served for the celebrated *Orbis pictus* placed under the porticos of Polla in the field of Mars. This fact renders it probable that the enrolment accompanying these measurements was finished about the same time in the capital, and somewhat later in the provinces. It must be remembered here that the second enrolment of the Roman citizens which took place during the reign of Augustus, occurred about the same time.

Nor can it be said that Herod, being a *rex socius,* would have been exempt from such registration. For, on the one hand, the Clitæ were obliged to furnish such a census, though they lived under an independent prince, Archelaus;[10] on the other, Herod was no longer a *rex socius* at this time, since he had favored Anthony until his defeat in the battle of Actium.[11] After this time, Herod held his crown from Augustus as his friend, not as his equal.[12] The subordinate position of Herod is inferred by Fr. Knabenbauer[13] from several independent data: the special oath of fidelity imposed on the Jews, the restriction of the right to coin money, the daily sacrifice offered for the emperor in the temple at Jerusalem, etc. (pp. 108 ff.). The same writer (p. 113) touches upon the reasons why the enrolment in Judea had to be made according to the Jewish customs rather than the Roman,[14] and upon the ob-

[9] Tacitus, Ann. I. 11; Sueton., Aug. 28, 101; Dion Cassius, LXVI. 33.

[10] Tac. Ann. VI. 41.

[11] Suet. Octav. 48.

[12] Joseph. Antiqu. XV. 6, 6-7.

[13] Cursus Sacræ Scripturæ. Comment. in Ev. sec. Lucam, Parisiis 1896.

[14] Cf. Tac. Ann. VI. 41; Joseph. Ant. XVIII. 1, 1.

jection based on the fact that the enrolment is not expressly mentioned by any profane writer. This last objection is considered by Canon Farrar too (l. c. p. 62): "The *argumentum e silentio* is here specially invalid, because there happens to be a singular deficiency of minute records respecting this epoch in the profane historians. The history of Nicolaus of Damascus, the flatterer of Herod, is not extant. Tacitus barely touches on this period.[15] There is a hiatus in Dion Cassius from A. U. C. 748-752. Josephus does not enter upon the history of these years."

b. Cyrinus. Tacitus [16] shows that the true Latin name of Cyrinus was Quirinius. It is believed by some writers that his success as a military commander in the war against the Homonades, in Cilicia, caused him to be chosen Consul together with M. Valerius Messala in the year 742.[17] Josephus [18] tells us that he was imperial legate in the consular Province of Syria, and that in 759, thirty-seven years after the battle of Actium, he directed an enrolment in Judea. According to Tacitus [19] he married Emilia Lepida between the years 755 and 757, lived in Rome in 769, and died in 774 without leaving any offspring. Besides, there are two inscriptions which contain certain data concerning Cyrinus. The first is by the hand of Q Æmilius Secundus who served under Cyrinus in Syria; [20] this only confirms the information contained in the profane authors concerning the person and life of Cyrinus. The second inscription belongs to Cyrinus himself; it was found in 1764, in the neighborhood of Tivoli, but in a mutilated condition.[21] The last line of this inscription is the most

[15] Ann. I, 1: *pauca de Augusto.*

[16] Ann. III. 48.

[17] Corp. inscript. lat., 2 ed., t. I. p. 162.

[18] Ant. XVII. 13, 5; XVIII. I, 1; Bell. Jud., II. 8, 1.

[19] Ann. III. 22, 23, 48; II. 30; cf. Suet. Tiber. 49.

[20] Cf. *Ephemeris epigraphica*, t. IV., 1880, pp. 337 ff.

[21] Cf. Mommsen, *De inscriptione latina ad P. Sulpicium Quirinium referenda*, Berlin 1851; Res gestæ divit Augusti, 2 ed. Berlin, 1883, pp. 161 ff.

important for the present question, for it states that Cyrinus was twice (*iterum*) legate in Syria. It is agreed on all sides that Cyrinus was commanding in the Province of Syria in 759; it is also agreed that he was known in those regions long before this office-term, seeing that he had been Consul B. C. 12, that he had conquered the Homonades in Cilicia, and had been assistant of Gaius Cæsar in Armenia A. D. 3.

With these data before us, we may inquire into the time of Cyrinus's first term of office in Syria: (1) Some writers believe that he was ruler of Syria during the time of the war against the Homonades, for it was usually the Governor of the Province who was commander of the troops in time of war.[22] (2) Others place the first governorship of Cyrinus between 750 or 751 and 753; for no governor is known from profane sources to have held office between the end of the term of Quintilius Varus and 753.[23] It must be kept in mind, however, that, according to both Josephus[24] and Tacitus,[25] Quintilius Varus was Governor of Syria till after the death of Herod, so that our Lord was born during his term of office. (3) Others again deny that Cyrinus was twice actual Governor of Syria. They grant that he held this office in 759, but they maintain that his first office was that of a director of the census in the Province of Syria, for which he was eminently qualified on account of his knowledge of the country.[26] The text of the evangelist does not necessarily imply the governorship of Cyrinus, since the original Greek term may denote any office of authority; the Roman customs do not ren-

[22] Cf. Zumpt, *Comment. epigr.* II. 90-98; *Das Geburtsjahr Christi*, pp. 43-62; *Revue des quest. hist.*, II. 22; Schürer, *Geschichte d. jüd. Volkes im Zeitalter Jesu Christi*, ed. 3, 1. pp. 322 f.; Vigouroux, *Le N. T. et les dêcouvertes archéoliques*, ed. 2, p. 125; Friedlieb, *Leben Jesu.* p. 292; Hagen, *Lexicon Biblicum*, I. 1034 ff., Parisiis, 1905; etc.

[23] Cf. Knabenbauer, l. c.; Hagen, l. c.

[24] Ant. XVII. 9, 3; 10, 1; 10, 9-10; 11, 1; Bell. II. 3, 1 f.; II. 5, 1 ff.

[25] Hist. V. 9.

[26] Kellner, *Zeitschrift f. kathol. Theologie*, Innsbruck 1888, p. 477; cf. Vigouroux, l. c. p. 113; etc.

der this opinion improbable, since it was not unusual to dispatch special officers to direct the work of the census.

c. The Text of St. Luke. In order to harmonize the various data concerning the Roman Census in the times of Augustus and the life of Cyrinus, with the text of the evangelist, various systems have been suggested: (1) It has been urged that the Greek word πρῶτος has sometimes the meaning of πρότερος; hence we may translate: "this enrolling was made before Cyrinus was governor of Syria."[27] This explanation harmonizes perfectly with all the certain and probable data of history, but it suggests the question, why the evangelist should have mentioned Cyrinus rather than the actual governor of Syria. It may be answered that he inserted the name of Cyrinus on account of his celebrity in the regions of that Province. (2) Other writers maintain that the work of the census in the Province of Syria must have lasted several years. It may have begun during the office-term of Quintilius Varus, during which our Lord was born, and continued into the office-term of his successor Cyrinus. The original text of St. Luke does not say that "this enrolling was first made *by* Cyrinus, the governor of Syria," but "*under* Cyrinus, the governor of Syria." But why should the evangelist mention the governor under whom the census was ended rather than him under whom it was begun? The text itself answers this question; the evangelist had in mind the second census made under Cyrinus in 759, of which he speaks in Acts 5: 37;[28] in order to draw the reader's attention to the distinction between the two census, he describes that which happened about the time of the birth of our Lord by the phrase, this was the first enrolling under the governorship of Cyrinus. (3) Those who prefer to translate the Greek term by "census director" rather than "governor," may assume that Cyrinus had been appointed as supervisor of the Roman census which must have taken place during the years following 746, so as to

[27] Cf. *Civiltà cattolica*, XI. 5. p. 716, 223, 726; etc.

[28] Cf. Joseph. Ant. XVIII. 1, 1.

cover the actual time of our Lords nativity. It is quite clear that the text of the evangelist in this explanation too harmonizes admirably with the data of history.

The foregoing explanations give only the main outlines of the various systems by means of which the Christian apologist may defend the veracity of the third gospel. Each reader may add or subtract those slight modifications which either agree or disagree with his own peculiar way of viewing the question. The literature of the subject is almost endless; the works quoted during the course of this paper give more or less complete lists of the more prominent works which deal with the census of Cyrinus.

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THE CASE AGAINST SOCIALISM. Issued by the London Municipal Council. New York, London, Bombay: The Macmillan Co. 1908. Pp. 543.

SOCIALISTS AT WORK. By Robert Hunter. New York, London, Bombay: The Macmillan Co. 1908. Pp. 387.

NEW WORLDS FOR OLD. By H. G. Wells. New York, London, Bombay: The Macmillan Co. 1908. Pp. 340.

Some general notice of these books on Socialism was given in the July REVIEW. They are important enough, however, to deserve a more special consideration. The author of *The Religion of Modern Socialism* is well known to students of philosophy through his *Data of Modern Ethics Examined,* and those to whom that critique of the evolutionary morality is familiar will not be disappointed in looking to the present work for an equally thorough and impartial treatment of Socialism. As the title indicates, the religious aspect of the system is professedly dealt with, but as that aspect itself takes in the roots and essence of the thing the work might not inaptly be entitled *A Philosophy of Socialism.* Some writers identify Socialism with Collectivism viewed as a merely economic scheme, and grow indignant when any one tells them that no Christian, much more no Catholic, can consistently be a Socialist. If the two terms, Socialism and Economic Collectivism, were perfectly coëxtensive, the question would still be urgent: Upon what principles is Collectivism advocated and by what method is it to be introduced? If those principles are monistic and materialistic, and the method of introduction is revolutionary and unjust, obviously the scheme is anti-Christian. Now it is precisely on such principles and methods that Collectivism is proposed and propagated by the authoritative leaders of the

movement, and it is to these authorities—to their consensus—not to this or that scheme or movement of benevolent fraternalism proposed by this or that individual philanthropist, that Father Ming goes for his definition of Socialism. This, of course, presupposes that Socialism possesses a determinable unity. That it does so is insisted upon by its recognized leaders. Thus, Mr. Hillquit, the author of the well-known *History of Socialism in the United States,* says in *The Worker* (23 March, 1907): "Altogether, it is high time that the American public abandon the myth of the 'diverse meanings of Socialism' and the 'diverse kinds of Socialism.' There is not and probably never was a theory and movement of more striking uniformity than the theory and movement of Socialism. The International Socialist Movement, with its thirty million adherents at a conservative estimate, and its organized parties in about twenty-five civilized countries in both hemispheres, is all based on the same Marxian program and follows substantially the same methods of propaganda and action. The 'diverse Socialisms' outside of the organized movement are represented by small groups of social and political dilettantes toying with problems of the universe and exercising no influence whatever on the course of the International Socialist Movement." Now, from the fact that it is "these small groups" that are "toying with problems of the universe," it must not be inferred that the main body—that which another writer in *The Worker* (28 April, 1906) characterizes as "scientific", "proletarian", "revolutionary", as well as "international"—has been doing no "toying" with such problems. Based as it is chiefly on the Marxian philosophy—which is essentially monistic materialism—modern Socialism as a unitary theory underlying a revolutionary movement has done its own considerable "toying with problems of the universe."

It is the solution of those problems proposed by Marx and his adherents, as well as by other non-Marxian theorists, that Father Ming has undertaken to examine. Having described with some detail the characteristics of modern Socialism as it is advocated by its defenders, namely its revolutionary, political, international, and scientific attributes, he exposes the Marxian philosophy—a blending of Hegel's idealistic monism, Feuerbach's materialism and materialistic evolutionism—both as it came from its author and as it has been somewhat modified by subsequent theorists.

Half of the volume is devoted to this fundamental analysis. The second half is given to unfolding the theses which are at once the logical conclusions from the principles exposed and are the explicit teachings of the socialistic authorities, namely that (1) Socialism is professedly hostile to religion, (2) notably also to Christianity, (3) and most especially to the Catholic Church, (4) that the religion of Socialism is the Worship of Humanity. It will be neither possible nor necessary to follow the development of these theses here. Suffice it to say that the author indulges in no random statements. He bases his charges and arguments on the readily accessible works of the recognized leaders of Socialism. The criticism is objective, the exposition clear and easily followed. An estimable feature of the work is its bibliographical references. This should make the book especially valuable to the clergy who have to warn their flock against the dangers of Socialism, enabling them as it does to quote the explicit anti-religious assertions of the accepted leaders.

Letters to a Working Man originally appeared in the London *Spectator,* of which Mr. Strachey is editor. They have the ease of style and practical sound sense that should mark such a correspondence. The author argues that "the chief peril of Socialism is waste—waste both in the moral and in the economic sense. Socialism would not only deteriorate character but it would lessen product." Though fully admitting the many great evils of the present economic system of production and distribution, he concludes that "the system does contrive to provide shelter, clothing, and food, for the mass of the people," while Socialism would do nothing of the kind, "because the mainspring would have been taken out of the clockwork." The present system provides an incentive to work which Socialism would withdraw or would substitute the less potent stimulus, coercion. "Till it can be shown that slave labor is as profitable in the economic sense as free labor, and that the order of an official or of a committee can compel men to as great activity as that which is shown under our present system," Mr. Strachey maintains that "free exchange holds the field and will always beat compulsion in the matter of production," and will consequently "do most to diminish the evils of poverty;" since, as he further contends, "the ultimate cause of poverty is scarcity, and the only way to combat scarcity

is by increased production." The author has not essayed a philosophy of Socialism, nor does he touch upon the religious or anti-religious aspects of the movement, but his book is full of sane practical wisdom, cleverly expressed in a way that must make an impression for good on the mind of an intelligent workingman, and should convince him that his true interest lies not in the direction of Socialism.

The *Case against Socialism* is issued by the London Municipal Society as a "handbook for speakers and candidates." It is prefaced by a short—and by the way very conservative—letter from Mr. Balfour. The work covers a broad field, viewing as it does Socialism, not only in its constitution, but also in its manifold relations to government, the family, religion, land, agriculture, railways, and mines, etc. It follows pretty much the same lines and methods as Goldstein's well-known book, drawing as does that author its statements from the most representative literature of Socialism. It is a perfect arsenal of available and seemingly forceful ammunition.

The three foregoing books are professedly and strongly anti-Socialistic. The reader who has familiarized himself with their stock of arguments will be safely equipped to follow the canon of justice *audi alteram partem*, and betake himself to the next two volumes on the above list—Mr. Hunter's *Socialists at Work*, and Mr. Wells's *New Worlds for Old*. If the reader knew nothing of Socialism save what he learned from these two sources, the chances are that he would be won over—at least theoretically and in sympathy if not in practice—to the Socialist ranks; for both authors write with very persuasive eloquence. The daily press recently heralded the fact that a quondam teacher in one of the leading conservative universities in the United States has returned after a three years' study in Germany and France a fervent apostle of Socialism; and he prophesies that "unless some international complication distracts attention from Socialism, France will soon make the experiment of a coöperative commonwealth on a national scale." The prophecy, of course, may or may not be fulfilled, but one who follows Mr. Hunter's narrative of the Socialistic movement—its history, organization, methods of propaganda—will not be surprised at its realization, first, probably in

France,—though the improbability is not far remote, if not of a similar fulfilment, of at least profound political and social changes in other countries wherein the Socialistic movement is followed by the author—Germany, Italy, England, Belgium.

Mr. Hunter disclaims dealing with fundamental principles. He contents himself with an outline of the program of Socialism—based mainly on the *Erfurt Social Democratic Program* of October, 1891—a somewhat remote document, it would seem—and the *Political Program of the Belgian Labor Party* (no date given). For the rest, the book may be classed as a history of contemporary Socialism in the making. Together with an account of the movement in the countries just mentioned, there is a sketch of its growth in other parts of the world by Mr. Charles Lapworth—Russia, Austria-Hungary, Finland, Norway, Denmark, Holland, Switzerland, Spain, Bulgaria, Servia, Poland, Japan, Chili, Australasia, Canada, and the United States. The work is not simply a narrative of the movement in these countries; it follows also—though from a purely *historical* point of view—some of the relations of Socialism to social reform, parliaments, art, and literature. The emphasis here laid on the term historical is meant simply to imply that the author's purpose is to record rather than to argue. The record, however, is from beginning to end strongly colored by an emotional idealism that sees very vividly the existing economic evils and the remedial promises of Socialism, but does not see, or at least ignores, the fact that the remedy itself contains certain elements which, being opposed to the natural inborn rights of the individual, must, even if other ingredients be palliative, in the long run prove destructive to the whole civil body. It is probably this subjective predisposition to find in Socialism a racial panacea that causes the author to compare the modern International with the early spread of Christianity—what he calls "the old International." The comparison is extremely farfetched, not to say absurd; but when it appeals to the following remark as corroborative, it becomes something worse: "One other thing there is in common between the old International and that of to-day: Wherever the early Christians formed a section of their movement they raised, so Osborne Ward says in *The Ancient Lowly,* the same red flag which has passed from revolutionist to revolutionist through all periods of history down to the workingmen of our own time" (p. 295). However, the author's

socialistic sympathies being so strongly and continuously manifested, the reader will know how to make allowance for the coloring which, if somewhat excessive, does not destroy the value of what is otherwise an instructive and suggestive picture of the subject.

We might apply the latter remark to the last book on our list—*New Worlds for Old.* Nothing that Mr. Wells gives to the public but is brilliantly colored, interesting—in some sense, of course, instructive—and always suggestive. Mr. Wells is, before all else, a visualist—not to say a visionary. He *sees* things—many things that *are,* more things that are *not.* His visual imagination is simply marvelous. But in considering his latest work it may be as well to regard him rather as an ingeniously inventive mechanician than as a painter. He takes apart for you the machinery of the "Old World"—social and economic—shows you how ill-adjusted are its parts, how they jangle and jar, above all how imminently dangerous is the whole thing. And for all this he draws upon not his creative nor productive, but simply upon his representative imagination. You know from your own experience that most of what he says about the evils that now oppress the body social is but too real—though you may trace the origin of the evils to other causes than the present social economic system. When, however, he turns to put together the "New World," which he offers in substitution for the old, you realize at once how most of the new mechanism is but the airy fabric of a dream, not represented, of course, but produced, almost created, out of the author's powerful, subtle, and graceful phantasy. It might be interesting to sketch here some sections of the machinery, just to show how ingeniously they are constructed, how smoothly the most intricately complex parts interglide, how simple the whole looks when they are all put together, how beautiful, and, at the same time, solid the promised product—individual and social felicity. We must be content, however, with transcribing just a short page which may serve both to show one aspect of the author's mind toward what most interests the present reader, and also to illustrate the author's cheerful optimism and, though faintly, his style.

It seems most convenient in a Socialist state to leave religious worship

entirely to the care of private people; to let them subscribe among themselves, subject, of course, to a reasonable statute Mortmain, to lease land and build and endow and maintain churches and chapels, altars and holy places and meeting-houses, priests and devout ceremonies. This will be the more easily done since the heavy social burthens that oppress religious bodies at the present time will be altogether lifted from them; they will have no poor to support, no schools, no hospitals, no nursing sisters, the advance of civilization will have taken over these duties of education and humanity that Christianity first taught us to realize. So, too, there seems no objection and no obstacle in Socialism to religious houses, to nunneries, monasteries, and the like, so far as these institutions are compatible with personal freedom and the public health, but of course factory laws and building laws and limitations of contract override their vows, if their devotees repent. So that you see Socialism will touch nothing living in religion, and if you are a religious minister, you will be very much as you are at the present time, but with lightened parochial duties. If you are an earnest woman and want to nurse the sick and comfort the afflicted, you will need only in addition to your religious profession to qualify as a nurse or medical practitioner. There will still be ample need of you. Socialism will not make an end of human trouble, either of the body or of the soul, albeit it will put these things into such comfort and safety as it may.

The latter sentence will warn the reader that here the author is no Utopian. Mr. Wells wrote *Modern Utopia,* but that is another work. In the present book one is again and again reminded that " in the New World " human beings will not be substantially altered—they will still be more or less selfish, egoistic—but the new system will shape and adjust them into smoother interrelations and more comfortable coöperation. Of course it is precisely the reluctance of human nature to be thus shaped and adjusted that constitutes one of the main objections against a socialistic regime. But this objection has no weight with the powerful phantasy that has constructed " the New World." Besides, Mr. Well's strong point is not logic. Rather we should say this is his weak point, at least so one might infer from his singular confusion of *contraries* with *contradictories* and his misapprehension of the meaning and application of the principle of contradiction (at page 178). No, his strong point is imaginative description—a quality that makes the present book as entertaining as a good romance—not excepting even Bellamy's *Looking Backward.* No student of Socialism should leave the book unread, as it presents a view of the ideals and prospective program of the

system, taken by one of its most earnest and gifted advocates and presented so pleasingly and plausibly that it can hardly fail to exert some notable influence.

MORE. A Study of Financial Conditions now Prevalent. By George Otis Draper. Boston: Little, Brown and Co. 1908. Pp. vii.—246.

There should be no question that "it is time that some one practical man should print his conclusions as an illustration of the business view of business conditions" (p. vi)—supposing, of course, that no "one practical man" has already done this civil duty to his unpractical neighbor. Whether or not the obligation has been properly performed one may well hesitate to decide, especially in face of the immense mass of conclusions on business conditions already printed, and the corresponding difficulty of determining which of them have emanated from men who may justly be called practical. Be this as it may, there is no longer room for doubt that the practical man has now absolved himself of his obligation. Mr. Draper is unmistakably a practical man and in the present book he has summed up his conclusions resulting from "twenty years of industrial activity in connexion with an equal number of productive organizations operating at various points between Eastern Canada and California," and including a great variety of manufactures and industries. Within the compass of a modest volume he has condensed a goodly amount of sound practical reflections and judicious suggestions concerning Socialism, Unionism, Trusts, Tariff, industrial processes and methods, and kindred politico-economical topics. He anticipates disagreement of course with some of his conclusions—notably with those on monopolies—but he claims to write in "the interest of progress, growth, development"—hence the title of the book, *More*—and appositely points to "the folly of hampering activity because its methods are faulty. We must not shut down our industries because they fill the air with cinders. Keep them going while we find a way to prevent cinders."

Although the author's opinions are for the most part sane and timely, here and there one meets with a statement that is exaggerated or antiquated. For instance this: "Uncommon wealth often destroys the weak and enervates the strong; its evils, however, are evils of use, easily eradicated by educated intellect" (p. 2). Whoever found "educated intellect" eradicating at all,

not to say "easily," the abuse of wealth? Elsewhere we find "the end justifies the means" characterized as "the old Jesuitical maxim." The antiquated, thousand-times-refuted calumny still darkening the mind of an up-to-date economist! Surely a survival of the unfit—an unerased speck on an otherwise attractive page.

Literary Chat.

L. Schwann (Düsseldorf, Germany) has issued two stately editions of the new Roman Graduale. The one, in two volumes, contains separately the *Proprium de Tempore* and the *Proprium Sanctorum*. The other, on somewhat lighter paper, comprises the entire Vatican edition of Proper and Votive Masses, the *Ordinarium Missae, Missa et Absolutio pro Defunctis*, Hymns, Antiphons, and Responses in Gregorian notation. The type and illustrations are superb. We are also in receipt of the Vatican edition published last year (Gregorian and modern notation) of the *Kyriale*. Musical scholars may take just pride in possessing this handsome print.

The same firm sends us the *partitur* of a Mass in honor of St. Elizabeth for two voices, mixed choir, by August Wiltberger, a *Missa (decima)* for four voices by Joseph Niederhammer, a *Te Deum*, for two female voices, with organ accompaniment (Wiltberger), and an *Ave Maria* for soprano, alto, baritone, and basso, with organ, by J. Verheyen.

The Pustet edition of the new Vatican *Graduale* also makes a handsome volume, in the style of the *Kyriale* published by the same firm last year. Since all the editions conform, as required, to the typical Roman exemplar, the difference between the various editions printed by firms of national reputation lies chiefly in the style of typography and format to suit the habit or convenience of the chanters.

The Cistercian Father D. A. Donovan some years ago translated Morrozo's *Treatise on the Spiritual Life*. The book has gone into a second edition, revised by the translator.

In view of the fact that modern historical criticism tends toward the elimination of faith in the institution of the Blessed Eucharist as interpreted by the New Testament, it is of special value in apologetics to have the arguments of the tradition set forth in the teaching of the early Christian Fathers on this subject. In this sense the republication in pamphlet form of Father Fourrat's article from the *New York Review* is timely (The Cathedral Library Association, New York).

Professor Pennacchi leaves nothing unsaid in behalf of the lovers of moral progress and social prosperity on the burning question of Divorce. His recent exhaustive treatise, *La Legge sul Divorzio in Italia* (pp. 400), explains, it is true, in the first instance the attitude of modern legislation in Italy toward the marriage contract. But the fact that the author enters into all the religious, ethical, judicial, historical, physiological, and social phases of his subject, permits us to recognize a practical application of the principles involved to our own conditions as well as to those of every other civilized country. The volume is an important contribution to the literature of the social question (Bretschneider, Rome).

In connexion with the list of books on Socialism reviewed in the present number we would recommend a little pamphlet published by the Catholic Truth Society (London), under the title of *Socialism and Religion*, by the Rev. John Ashton, S. J. There is a great deal of useful information and sane suggestion packed within its score-and-a-half pages, and the brochure will be found just the thing to put into the hands of those who are trying to persuade themselves of the compatibility of Socialism with Christianity. The author writes with an eye on conditions in England; yet his answer to the question, May a Catholic affiliate himself with any Socialistic body? is pertinent no less to our country. Certainly by such affiliation one does not become a heretic, which means that one still continues to remain in communion with the other Catholics throughout the world. Also, the author adds: "I am free to admit that there have been good Catholics who have called themselves Socialists," although the number is not so great as is sometimes alleged. Instances are the Count de Mun, Mgr. Ketteler, and Cardinal Capacelatro, Archbishop of Capua, who speaks of Cardinal Manning as "a most efficacious Socialist." Obviously, however, the term is used here in the sense of "social reformer." The aspirations and the attitude of a social reformer are correct enough, but only harm can come from the adoption of the name "Socialist." Moreover, the author pertinently asks: "Should we in associating with those who profess open hostility to the Church thereby display our loyalty to her? It is scarcely characteristic of a loyal Catholic when a Pope issues an instruction on Socialism to contend that it is not a dogmatic utterance and therefore not infallible." The declarations of Leo XIII and Pius X on Socialism should have a sufficient deterrent influence "with the loyal Catholic—with one that is not satisfied with keeping barely within the limits of orthodoxy and with repudiating only that which has been formally condemned by the authoritative voice of the Church" (p. 29). The attempt to conjoin Christianity with Socialism the author shows to be both dangerous and futile: "Dangerous because it is playing into the hands of the acknowledged enemies of religion: even by adopting the name of Socialist you are abetting the Socialism of the leaders such as Shaw, Hyndman, Quelch, Karl Pearson, Belfort Bax, Blatchford, etc. It is futile because if ever Socialism wins the day it will be the Socialism

of such men as these, and not Catholic Socialism that will be in the ascendant. You are altogether too weak and there are those forces at work which must ever keep you a comparatively insignificant body; and remember it is not the tail that wags the dog, but *vice versa*. These men will be grateful to you for your Socialism, but put them into power and they will cast your Catholicism to the winds" (p. 30).

The occasion of the golden jubilee celebration of St. Mary's Church, Grand Rapids (Michigan), last year, gave occasion to Mgr. Joseph Schrembs, V. G., the pastor, to publish a history of the parish in both English and German. A feature of the volume is the illustrated section, which represents some handsome vestments now in the possession of the congregation.

A Textual Concordance of the Holy Scriptures, just published by the Benzigers, and arranged by Father Thomas David Williams, of Washington, will be a welcome addition to many clerical libraries. The volume (848 pages) differs from Father Vaughan's *Divine Armory* as also from the *Thesaurus Biblicus* by Merz-Lambert, in being chiefly adapted to serve preachers. The citations as well as the arrangement answer this purpose in a special manner.

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HISTOIRE DES LIVRES DU NOUVEAU TESTAMENT. Par E. Jacquier. Tome troisième: Les actes des Apôtres, les épitres catholiques. Paris: J. Gabalda & Cie. 1908. Pp. 346. Prix, 3 *fr*. 50.

THEOLOGICAL AND DEVOTIONAL.

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THE TEACHING OF THE FATHERS ON THE REAL PRESENCE OF CHRIST IN THE HOLY EUCHARIST. By Rev. P. Pourrat. Reprinted from the *New York Review*. New York: Cathedral Library Association. 1908. Pp. 48. Price $0.15.

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Dott. Pasquale Pennacchi. Roma; M. Bretschneider. 1908. Pp. 400. Prezzo, 6 L.

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PHILOSOPHICAL.

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THE LODGE VERSUS THE CHURCH. By the Rev. Edgar F. Blanchard. Nashua, New Hampshire: Golden Rule Publishing Co. 1908. Pp. 16. Price $0.10.

HISTORICAL.

LITTLE MANUAL OF ST. JOHN BERCHMAN'S ALTAR-BOYS' SOCIETY. Containing a Short Sketch of the Life of the Saint; Object, Rule and Spiritual Advantages of the Society; Mass Prayers, Vespers, and Hymns at Benediction. New York: J. Schaefer. Pp. 48. Price, $0.10 *postpaid;* per dozen. $0.50; per hundred, $3.00, carriage extra.

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MISCELLANEOUS.

THE MAN'S HANDS, AND OTHER STORIES. By R. P. Garrold, S.J. (The St. Nicholas Series. Edited by the Rev. Dom. Bede Camm, O.S.B.) New York, Cincinnati, Chicago: Benziger Brothers. 1908. Pp. 197.

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